



US Army Corps  
of Engineers  
Seattle District



# Joint Public Notice

## Application for a Department of the Army Permit and a Washington Department of Ecology Water Quality Certification and/or Coastal Zone Management Consistency Concurrence

### US Army Corps of Engineers

Regulatory Branch  
Post Office Box 3755  
Seattle, WA 98124-3755  
Telephone (206) 764-6912  
Attn: Rebecca McAndrew, Project Manager

### WA Department of Ecology

SEA Program  
Post Office Box 47600  
Olympia, WA 98504-7600  
Telephone (360) 407-7298  
Attn: Penny Kelley, Federal Permit Coordinator

**Public Notice Date:** July 12, 2007

**Expiration Date:** August 10, 2007

Reference No.: NWS-2007-471-SOD  
Name: WA State Dept of Transportation  
SR 9 176<sup>th</sup> Street SE Vicinity to  
Marsh Road Intersection Vicinity

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and the Washington Department of Ecology (Ecology) have received an application to perform work in waters of the United States as described below and shown on the enclosed drawings.

The Corps will review the work in accordance with Section 404 of the Clean Water Act (CWA). Ecology will review the work pursuant to Section 401 of the CWA, with applicable provisions of State water pollution control laws and the Coastal Zone Management Act.

**APPLICANT:** Washington State Dept. of Transportation

Mr. Ben Brown  
Post Office Box 330310  
Mail Stop NB82-138  
Seattle, Washington 98133-9710  
Telephone: (206) 440-4528

**LOCATION:** In an unnamed tributary to Thomas Creek, wetlands, and ditches tributary to the Snohomish River near the City of Snohomish, Snohomish County, Washington.

**WORK:** The Washington State Department of Transportation (WSDOT) proposes to improve four intersections (152<sup>nd</sup> Street NE, 164<sup>th</sup> Street NE, State Route (SR) 96/Lowell-Larimer Road, and Marsh Road/Airport Road/Springetti Road) and widen SR 9 for approximately two miles from SR 96/Lowell-Larimer Road to just north of Marsh Road. The work would fill 6.35 acres in 20 wetlands along the project corridor. The wetland impacts are to forested (0.69 acres), shrub (0.03 acre), and emergent (5.63 acres) habitat. Category I impacts are 0.07 acre, Category II impacts are 2.26 acres, Category III impacts are 3.49 acres, and Category IV impacts are 0.53 acres. Temporary wetland impacts total 1.74 acres from construction access, installation of silt and construction fencing, and stream relocation. Of the 1.74 acres, 0.52 acre is to shrub and forested vegetation. These impacts would be restored following construction. Wetland buffer impacts total 4.67 acres and temporary wetland buffer impacts total 1.15 acres. The majority of the buffers in the project corridor are regularly disturbed by agricultural, residential, and highway maintenance activities. However, a small portion of the buffer impacts would result in shrub and forested impacts. The road widening would require relocating an unnamed tributary to Thomas Creek and lengthening the two 84-inch culverts under SR 9 by 37 linear feet. The existing channel at the base of the road prism would be filled (1,285 linear feet) and relocated (1,185 linear feet) no more than 30 feet from the

base of the new road prism. The new channel would be hydrologically separated from the untreated stormwater runoff. Temporary stream impacts due to stream relocation activities include 125 linear feet. The stream relocation and culvert lengthening would result in 0.14 acre in permanent buffer impacts and 0.14 acre of temporary buffer impacts. The majority of the buffer impacts are to herbaceous vegetation, but a few red alder would be removed. Ditch impacts total 0.10 acre. If issued, this permit would be valid for five years.

**PURPOSE:** The purpose of the project is to improve safety and accommodate existing and projected traffic volumes.

**ADDITIONAL INFORMATION** – The principle functions provided by the impacted wetlands include flood storage, water quality improvement, and wetland associated bird habitat. Other impacted functions include erosion control and shoreline stabilization, organic matter production and export, general habitat suitability, amphibian habitat, aquatic invertebrate habitat, and native plant richness.

The majority of the project activity would occur in the 100-year floodplain of the Snohomish River. The project would result in a net fill in the 100-year floodplain of no more than 25,500 cubic yards. According to the floodplain analysis conducted by WSDOT, this would result in a 6-inch rise in the 100-year recurrence interval flood elevation.

Thirteen alternatives were evaluated at the SR 9/Marsh Road/Springhetti Road intersection. The preferred alternative shown on the attached drawings contains the least amount of impact to wetlands, floodplain, private property, and local businesses, while meeting design standards for safety.

Copies of this public notice which have been mailed or otherwise physically distributed feature project drawings in black and white. The electronic version features those drawings in color, which we think more accurately communicates the scope of project impacts. To access the electronic version of this public notice, go to the Seattle District's web page at <http://www.nws.usace.army.mil/> and scroll down the alphabetical listing of District elements, and click on "Regulatory" and then "Regulatory – Permits" for the Seattle District's Regulatory homepage. Select the prominently displayed "Public Notices" heading and a list of recently-issued public notices will appear, in chronological order of the date of issuance. Select and view the listing for this project.

**MITIGATION:** WSDOT minimized impacts to wetlands by steepening side slopes, using ecology embankments for stormwater treatment, locating a stormwater pond outside of a wetland, and using retaining walls through one wetland. This avoided 7.72 acres of wetland impact. The applicant proposes to compensate for 6.35 acres of wetland fill by utilizing wetland credits at the Snohomish Basin Mitigation Bank, which is located in the Snoqualmie River 100-year floodplain upstream of the project corridor.

To improve baseline conditions along the unnamed tributary to Thomas Creek, the stream would be meandered and large woody debris added to the channel. An average 25-foot buffer would be planted with forested and shrub vegetation where minimal buffer vegetation currently exists. This would provide a functional lift for flood storage, water quality improvement, erosion control and stabilization, production and export of organic matter, shading, native plant richness, general habitat suitability, and general fish habitat.

Stormwater treatment would provide water quality and quantity treatment in an area currently with very minimal treatment. This would improve water quality in several tributaries to the Snohomish River. The project is designed to comply with the Washington State Department of Transportation Highway Runoff Manual (2006), which has been approved for use by the Washington State Department of Ecology.

**ENDANGERED SPECIES:** The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7

of ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat.

WSDOT, as the designated lead agency for ESA consultation, has determined that the activity will not affect endangered or threatened species, or their critical habitat. The Corps agrees with their determination that the project will have no effect. Consultation under Section 7 of the ESA is not required.

**ESSENTIAL FISH HABITAT:** The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

WSDOT, as the designated lead agency for a determination regarding EFH, has determined the proposed action will not adversely affect designated EFH for federally managed fisheries in Washington waters. The Corps agrees with their determination that the project will not adversely affect EFH species. No further EFH consultation is necessary.

**CULTURAL RESOURCES:** The District Engineer has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. The permit area is likely to yield resources eligible for inclusion in the National Register. An investigation for the presence of potentially eligible historic properties is being conducted. The District Engineer invites responses to this public notice from Native American Nations or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns with historic properties in the area. This public notice initiates consultation under Section 106 of the National Historic Preservation Act with any Tribe that has information or concerns with historic properties in the proposed permit area.

**PUBLIC HEARING:** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

**EVALUATION – CORPS** - The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

The described discharge will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the CWA. These guidelines require an alternatives analysis for any proposed discharge of dredged or fill material into waters of the United States.

**EVALUATION—ECOLOGY:** Ecology is soliciting comments from the public; Federal, Native American Nations or tribal governments, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Ecology will be considering all comments to determine whether to certify or deny certification for the proposed project.

**ADDITIONAL EVALUATION:** This proposal is the subject of Shorelines Substantial Development Permit No. SM 07106936, being processed by Snohomish County.

**COMMENT AND REVIEW PERIOD:** Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. Either conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commentor's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration.

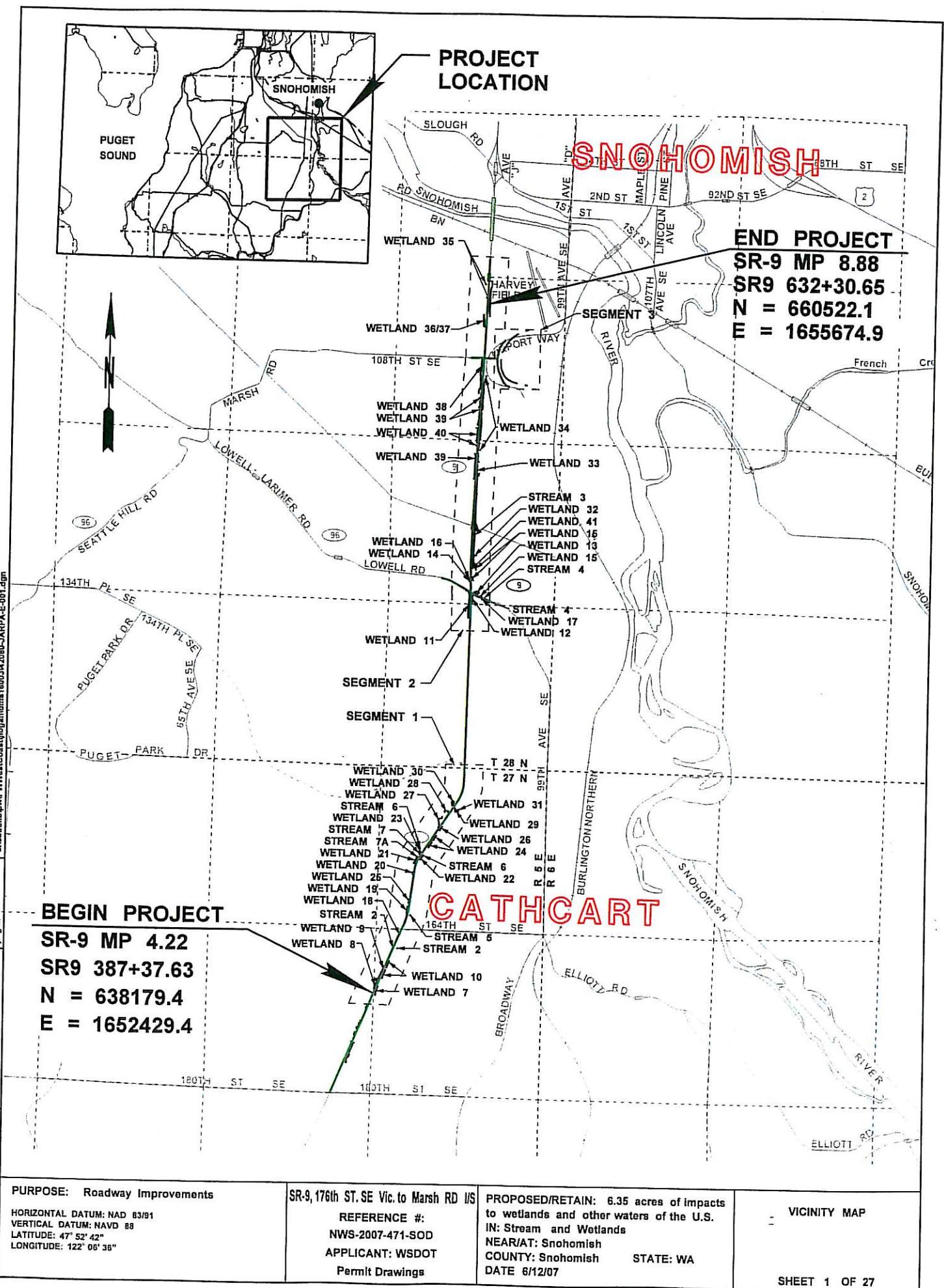
**Corps comments:** All e-mail comments should be sent to [rebecca.e.mcandrew@usace.army.mil](mailto:rebecca.e.mcandrew@usace.army.mil). Conventional mail comments should be sent to U.S. Army Corps of Engineers, Regulatory Branch, Ms. Rebecca McAndrew, Post Office Box 3755, Seattle, Washington 98124-3755.

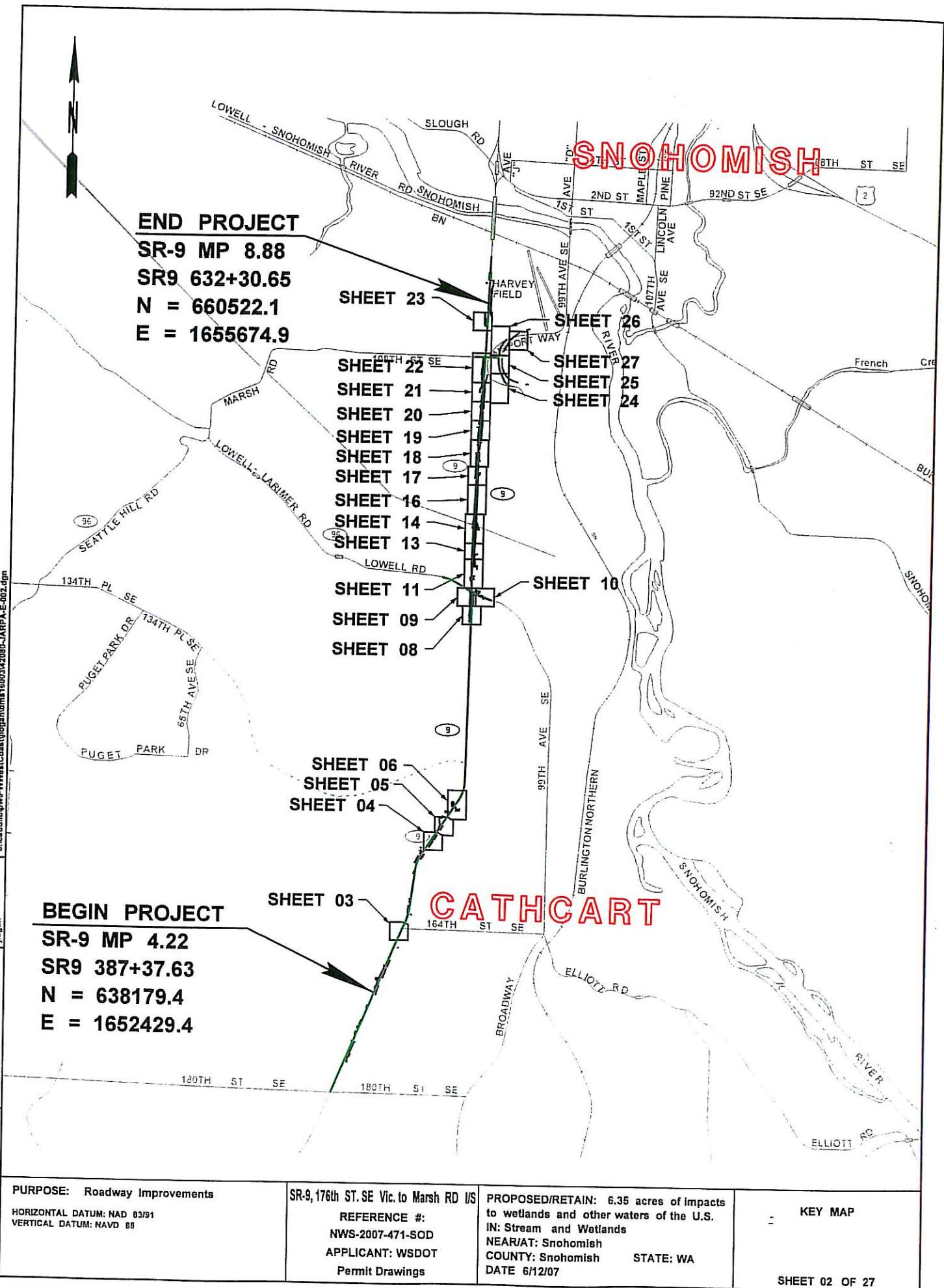
**Ecology Comments:** Any person desiring to present views on the project pertaining to a request for water quality certification under Section 401 of the CWA and/or Coastal Zone Management consistency concurrence, may do so by submitting written comments to the following address: Department of Ecology, Ms. Penny Kelley, Post Office Box 47600, Olympia, Washington 98504-7600, or e-mail to [pkel461@ecy.wa.gov](mailto:pkel461@ecy.wa.gov).

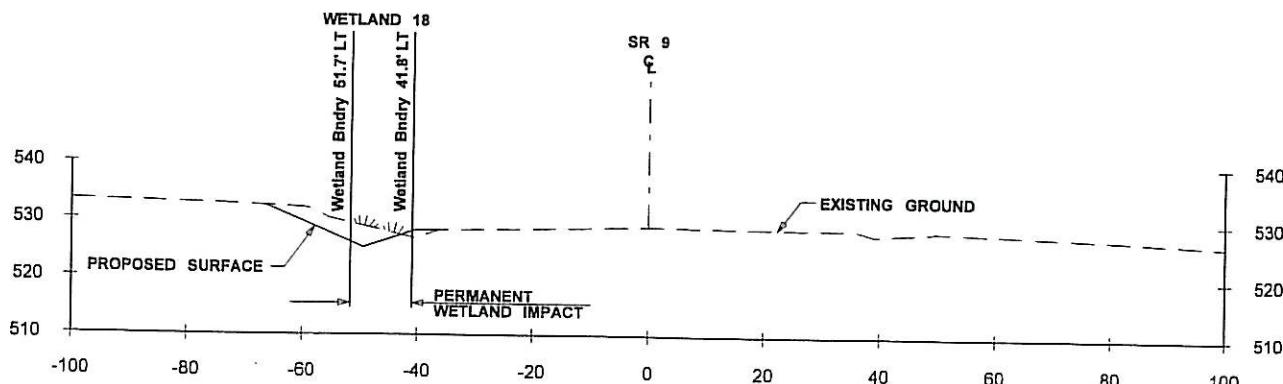
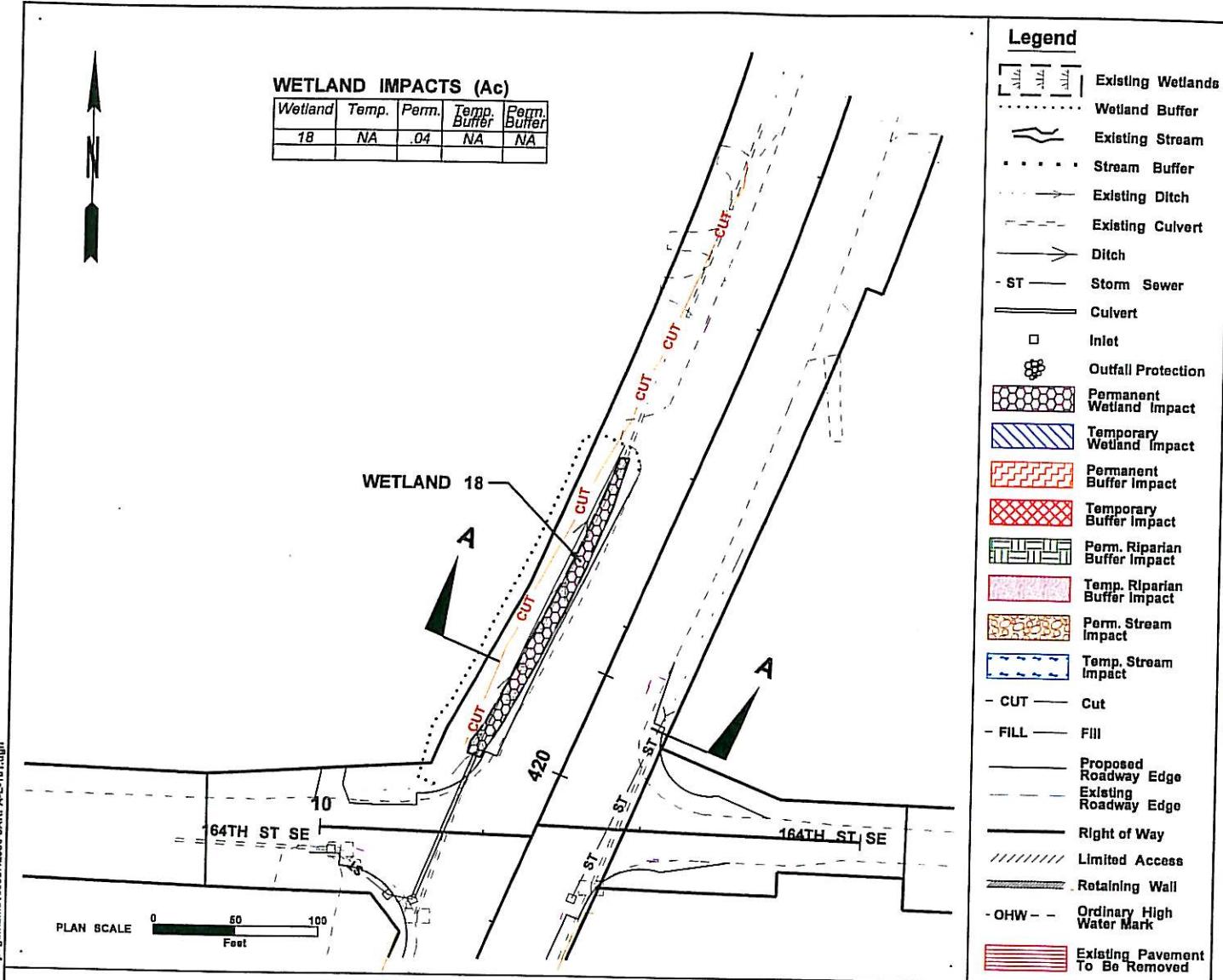
To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments:

Washington State Dept. of Transportation, NWS-2007-471-SOD

Encl: Figures (29)

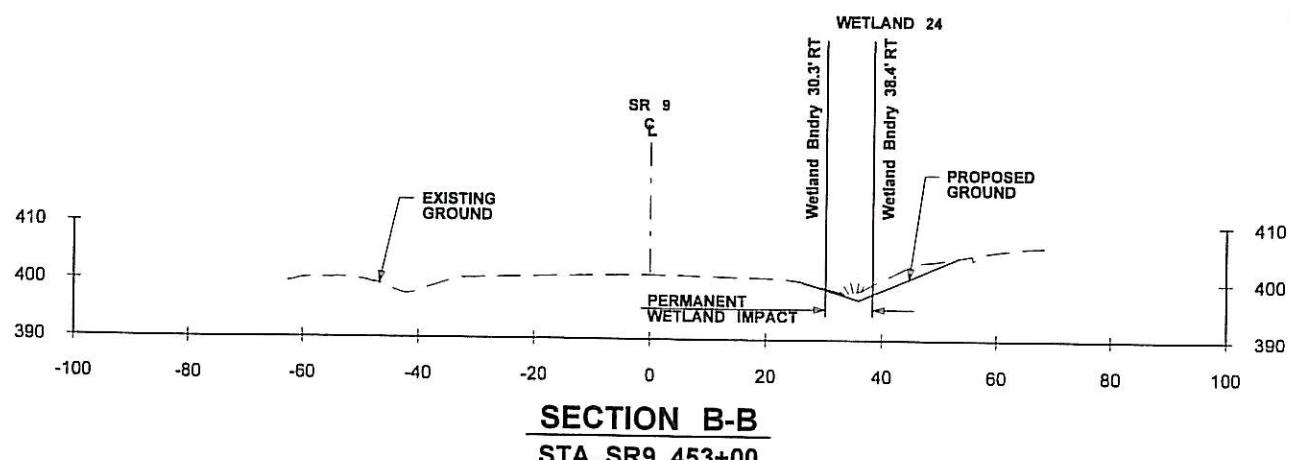
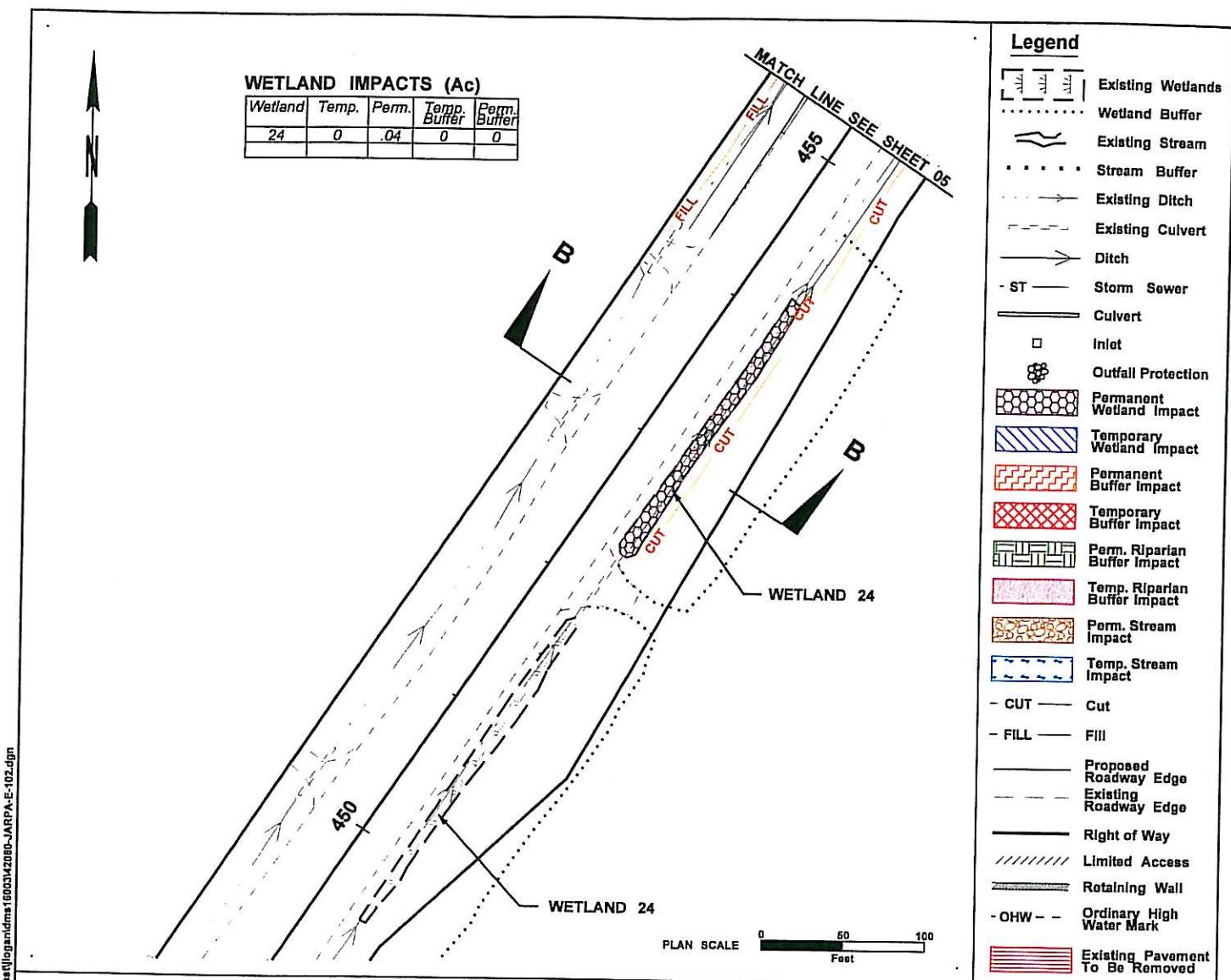




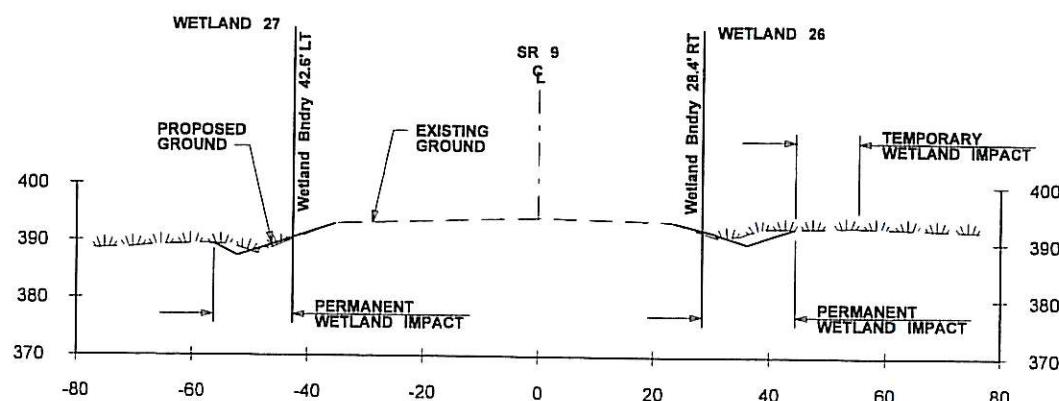
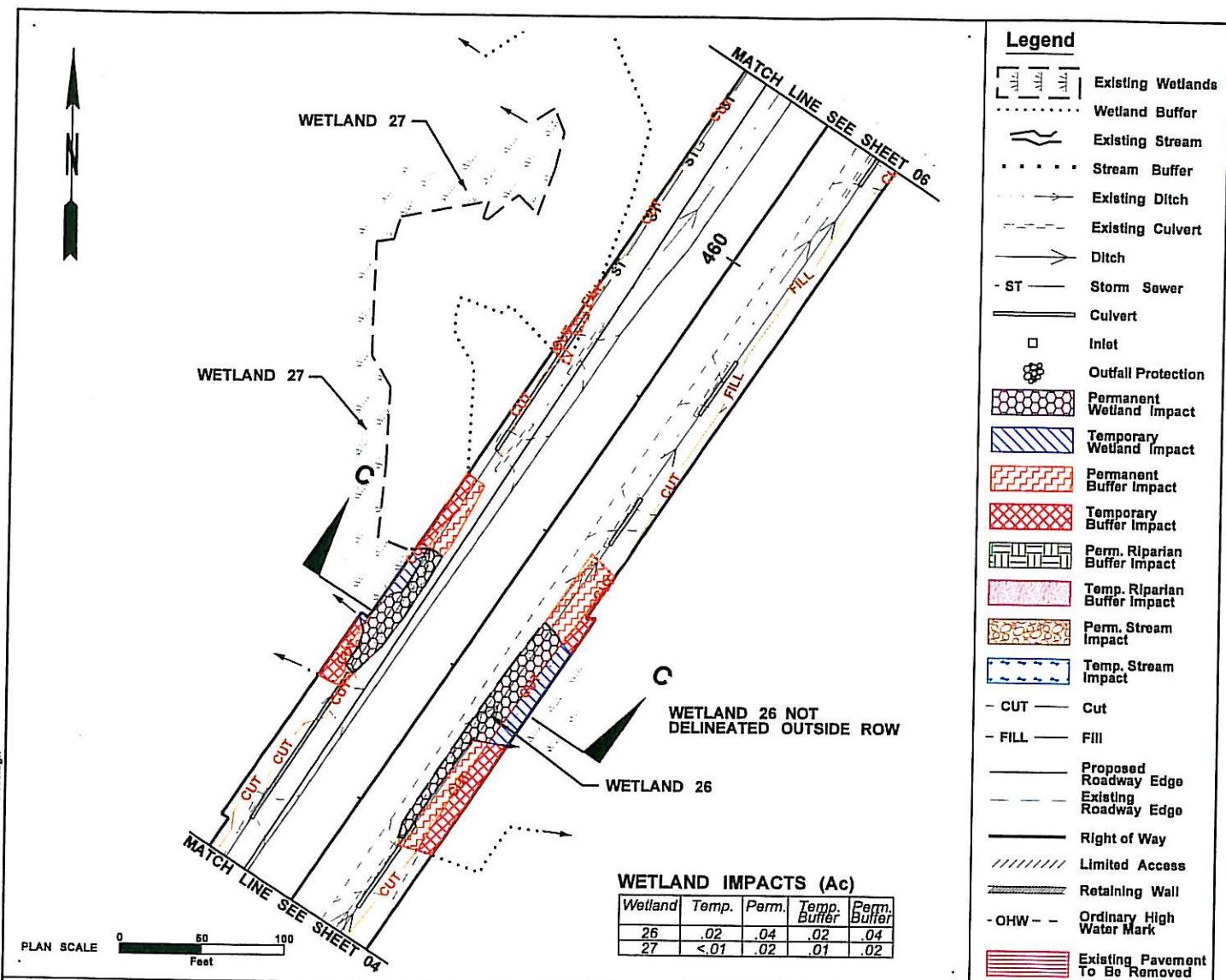


**SECTION A-A**  
STA. SR9 420+50

PURPOSE: Roadway Improvements  HORIZONTAL DATUM: NAD 83/B1 VERTICAL DATUM: NAVD 88	REFERENCE #: NWS-2007-471-SOD  APPLICANT: WSDOT Permit Drawings	PROPOSED/RETAIN: 6.35 acres of impacts to wetlands and other waters of the U.S. IN: Stream and Wetlands NEAR/AT: Snohomish COUNTY: Snohomish STATE: WA DATE 6/12/07	WETLAND IMPACTS
			SHEET 03 OF 27

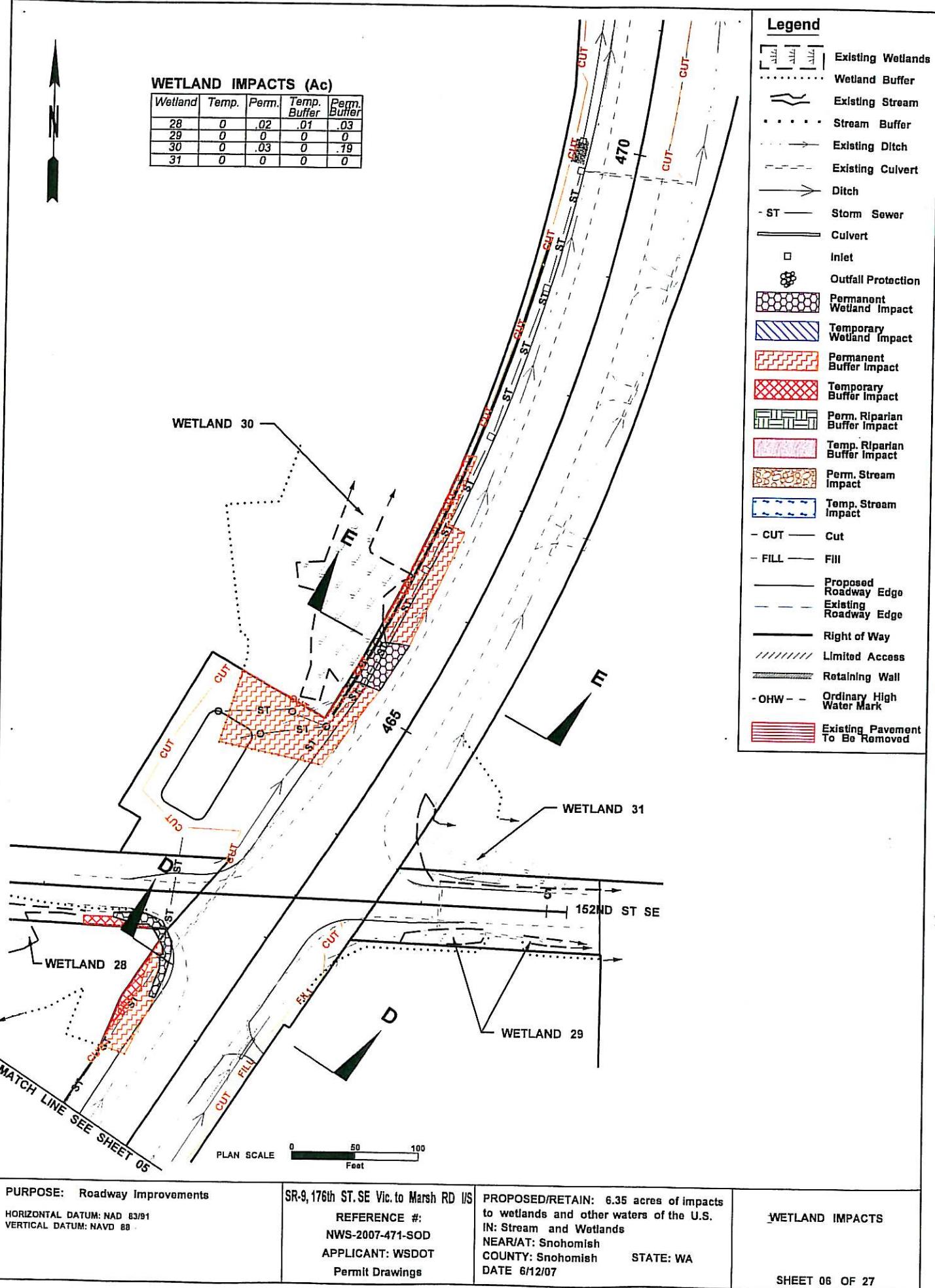


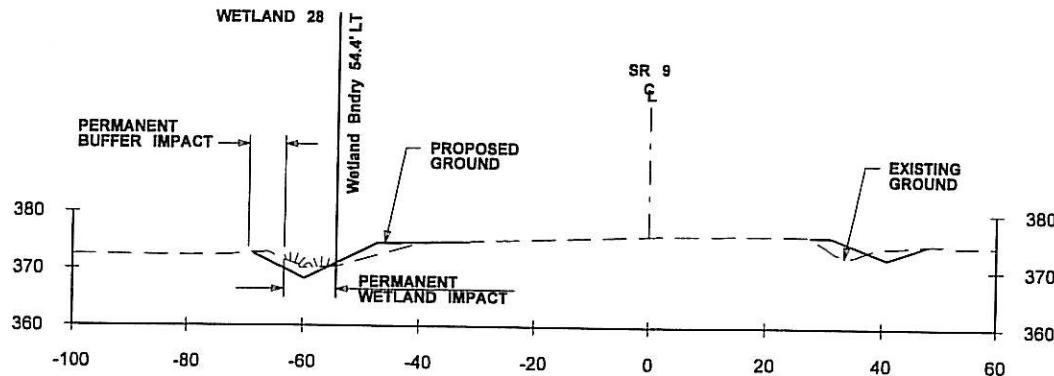
PURPOSE: Roadway Improvements  HORIZONTAL DATUM: NAD 83/88 VERTICAL DATUM: NAVD 88	SR-9, 176th ST. SE Vic. to Marsh RD I/S  REFERENCE #: NWS-2007-471-SOD APPLICANT: WSDOT Permit Drawings	PROPOSED/RETAIN: 6.35 acres of impacts to wetlands and other waters of the U.S. IN: Stream and Wetlands NEAR/AT: Snohomish COUNTY: Snohomish STATE: WA DATE 6/12/07	WETLAND IMPACTS  SHEET 04 OF 27
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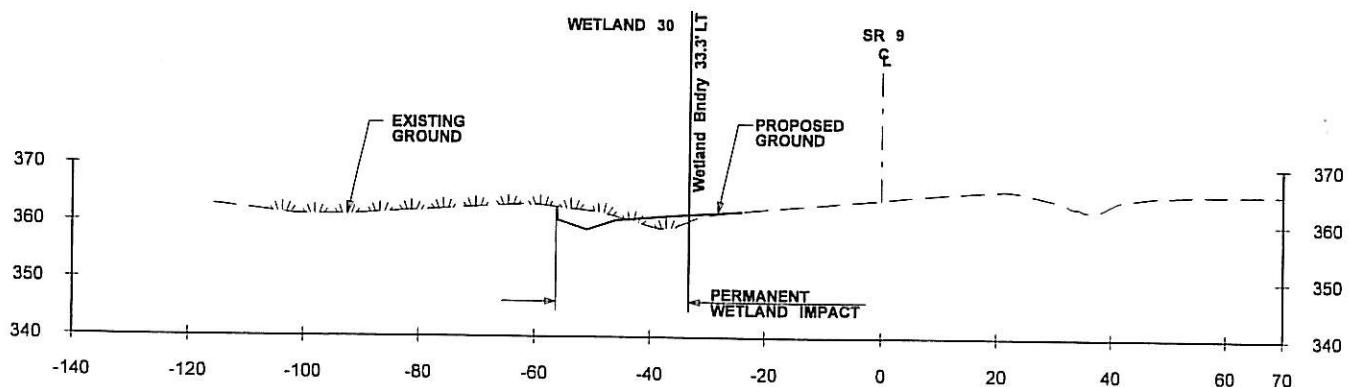
**SECTION C-C**

<p><b>PURPOSE:</b> Roadway Improvements             HORIZONTAL DATUM: NAD 83/91            VERTICAL DATUM: NAVD 88</p>	<p><b>SR-9, 176th ST. SE Vic. to Marsh RD I/S</b>   <b>REFERENCE #:</b>            NWS-2007-471-SOD   <b>APPLICANT:</b> WSDOT            Permit Drawings</p>	<p><b>PROPOSED/RETAIN:</b> 6.35 acres of impacts to wetlands and other waters of the U.S. <b>IN:</b> Stream and Wetlands   <b>NEAR/AT:</b> Snohomish <b>COUNTY:</b> Snohomish      <b>STATE:</b> WA            DATE 6/12/07</p>	<p><b>- WETLAND IMPACTS</b></p>
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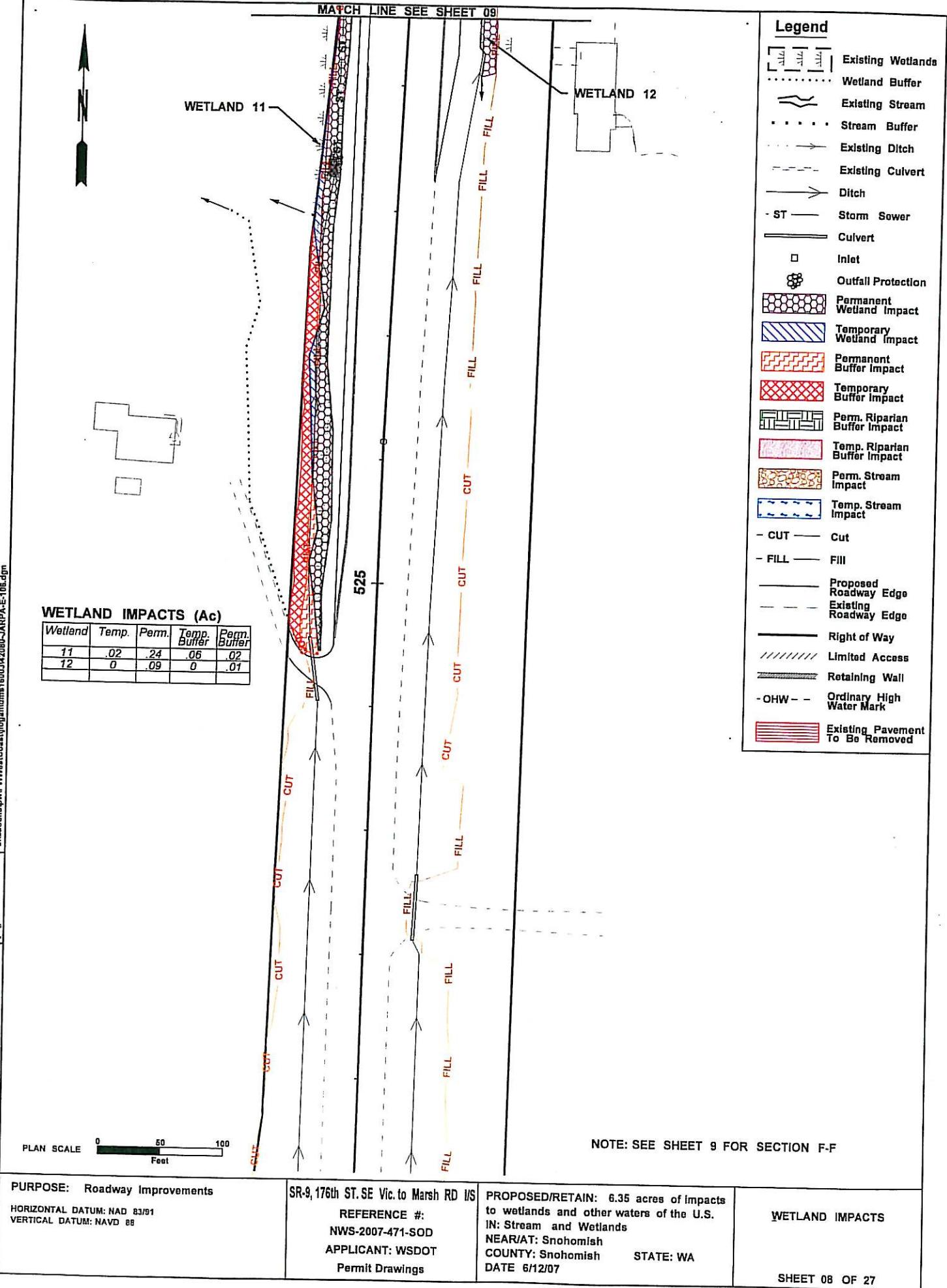


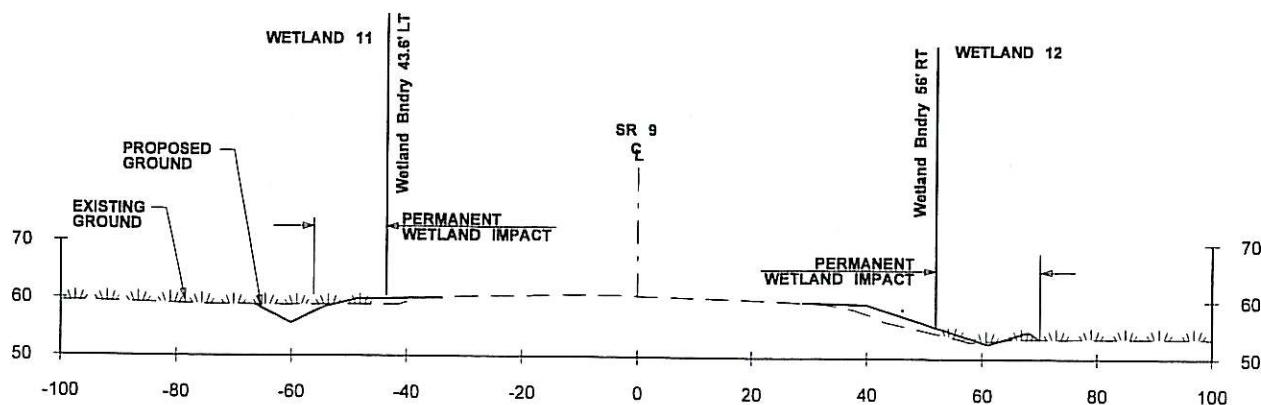
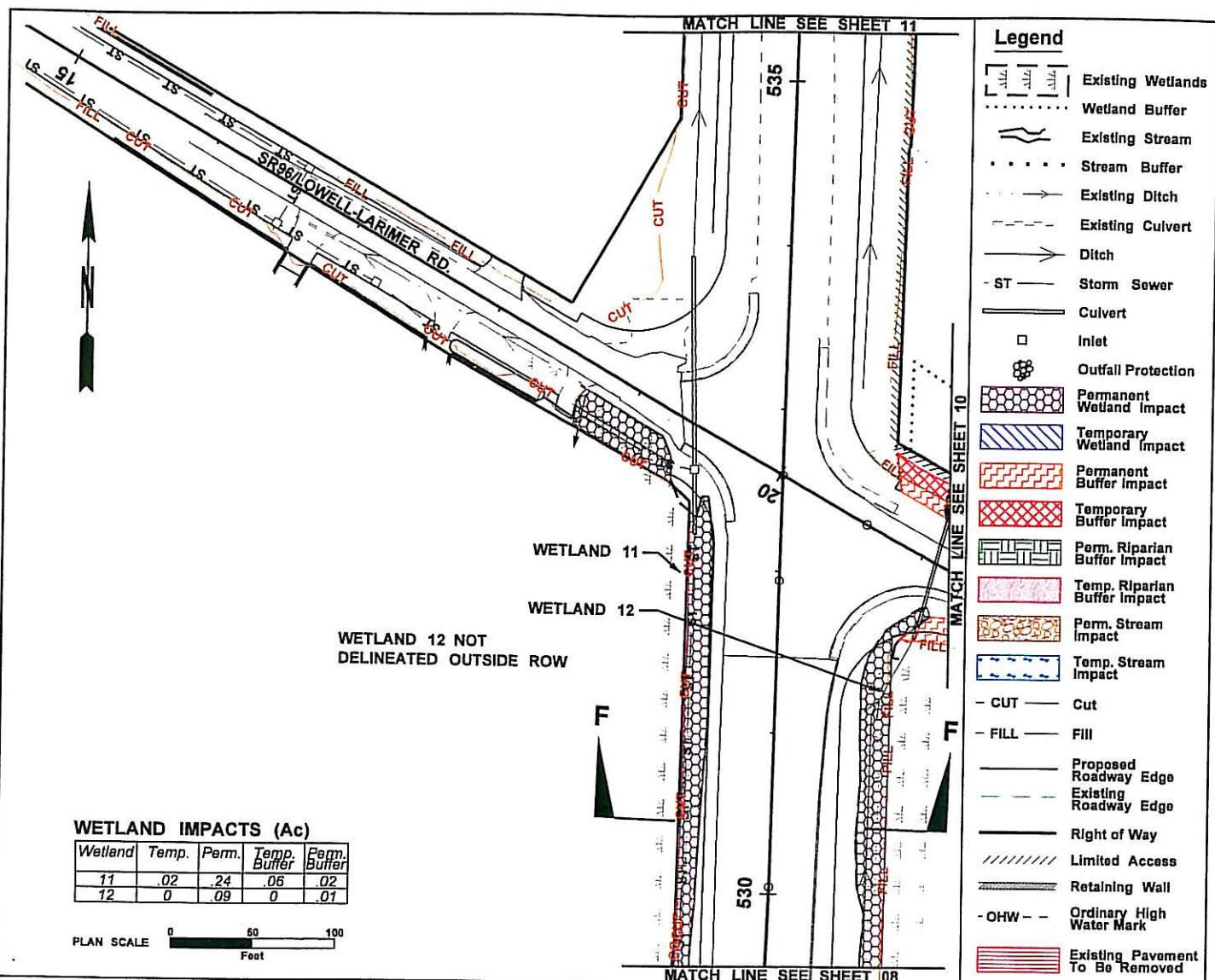
**SECTION D-D**  
STA. SR9 462+40



**SECTION E-E**  
STA. SR9 465+50

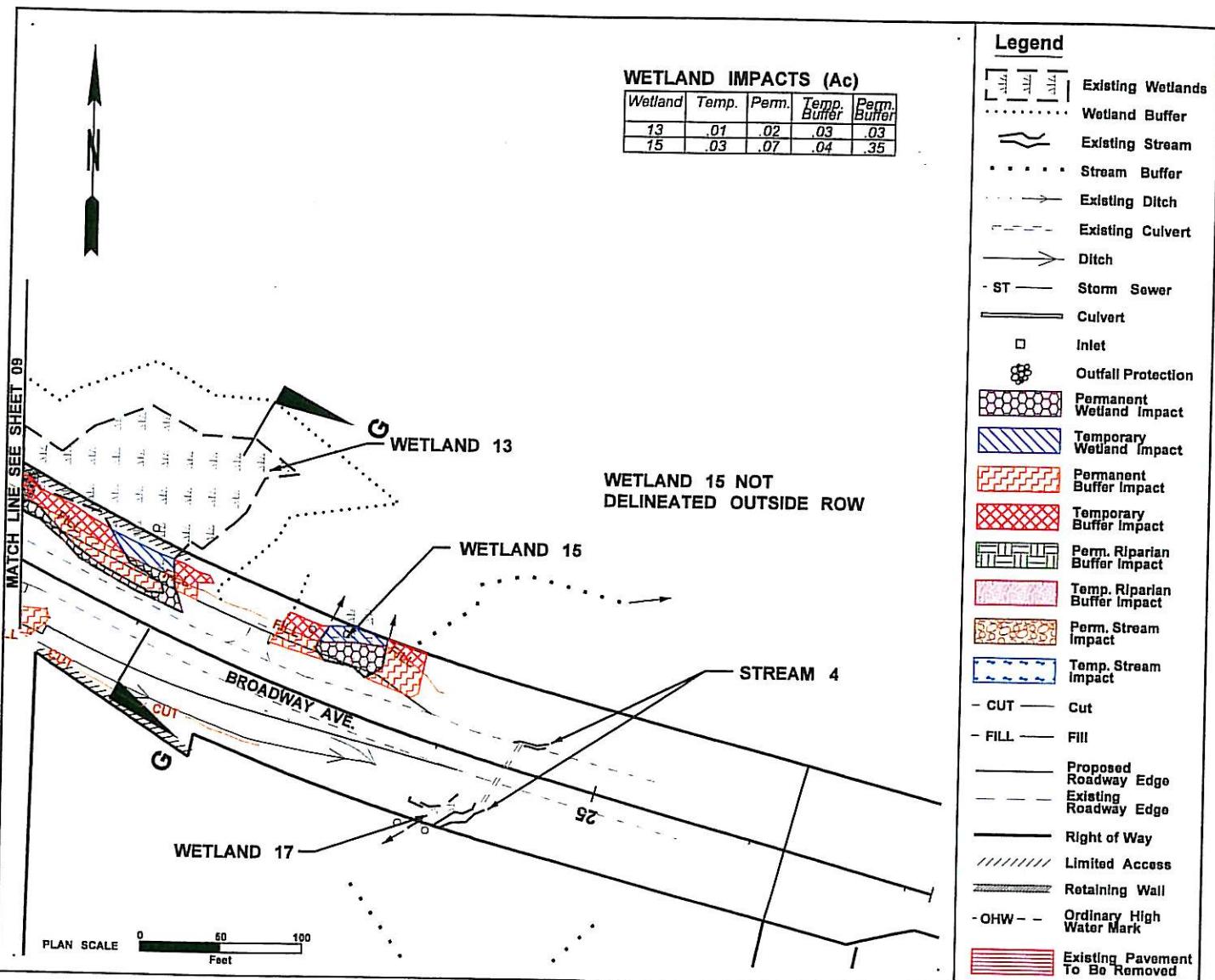
PURPOSE: Roadway Improvements HORIZONTAL DATUM: NAD 83/91 VERTICAL DATUM: NAVD 88	SR-9, 176th ST. SE Vic. to Marsh RD II REFERENCE #: NWS-2007-471-SOD APPLICANT: WSDOT Permit Drawings	PROPOSED/RETAIN: 6.35 acres of impacts to wetlands and other waters of the U.S. IN: Stream and Wetlands NEAR/AT: Snohomish COUNTY: Snohomish STATE: WA DATE 6/12/07	-WETLAND IMPACTS
			SHEET 07 OF 27



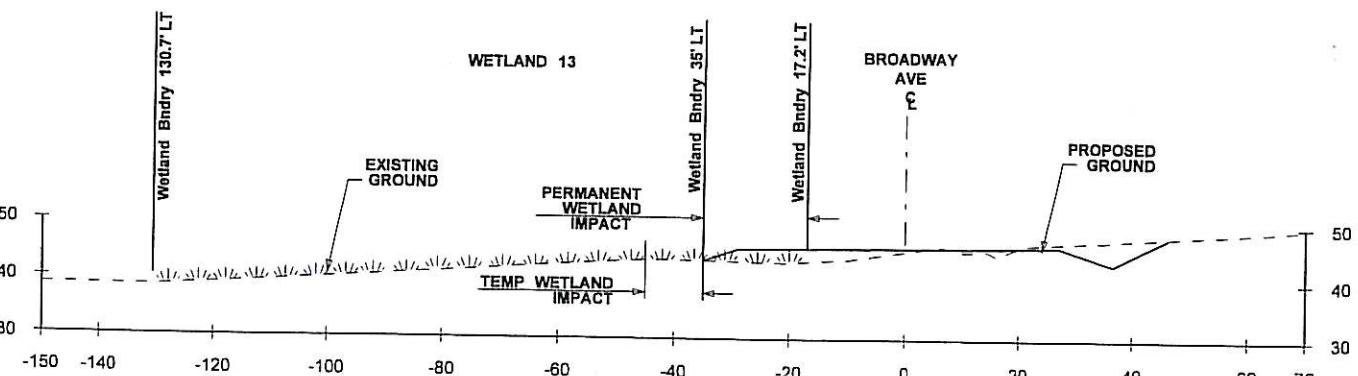


**SECTION F-F**  
STA. SR9 530+30

PURPOSE: Roadway Improvements  HORIZONTAL DATUM: NAD 83/91 VERTICAL DATUM: NAVD 88	SR-9, 176th ST. SE Vic. to Marsh RD I/S  REFERENCE #: NWS-2007-471-SOD APPLICANT: WSDOT Permit Drawings	PROPOSED/RETAIN: 6.35 acres of impacts to wetlands and other waters of the U.S. IN: Stream and Wetlands NEAR/AT: Snohomish COUNTY: Snohomish STATE: WA DATE 6/12/07	WETLAND IMPACTS  SHEET 09 OF 27
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Source: WSDOT; 2007; Snohomish; 2007 Last up dated: 03-JUL-2007 | Logan | c:\cad\d1\pw\pw\wetlandcoast\jognandsms1603342000-JARPA-E-108.dgn



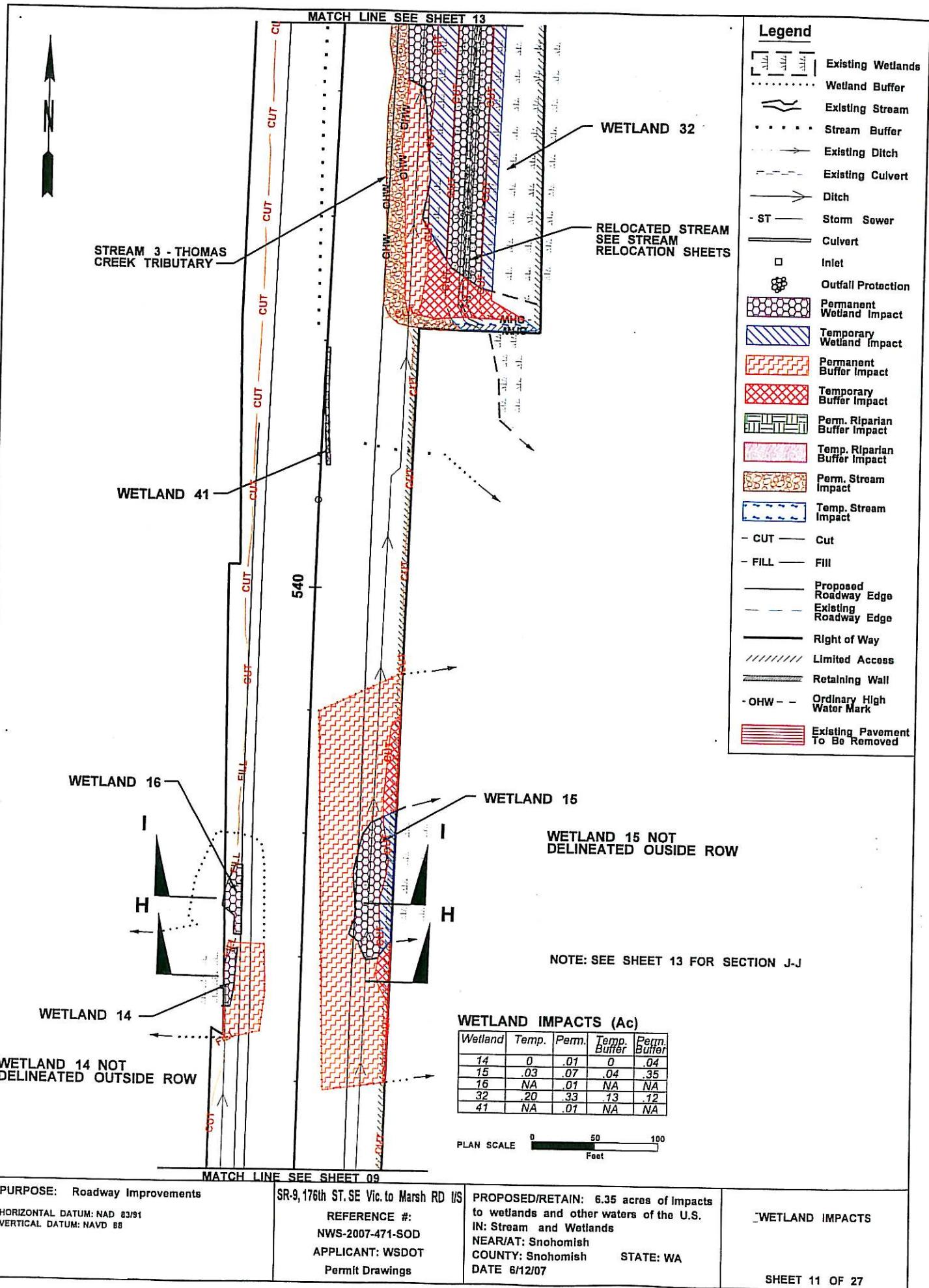
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HORIZONTAL DATUM: NAD 83/91  
VERTICAL DATUM: NAVD 88

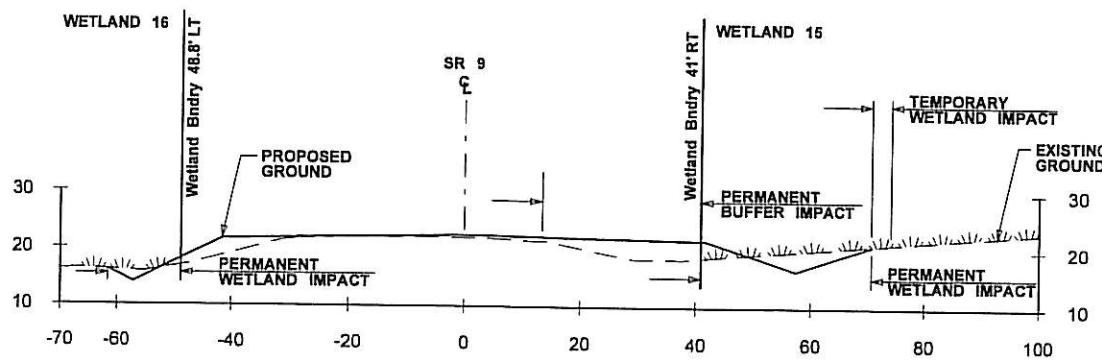
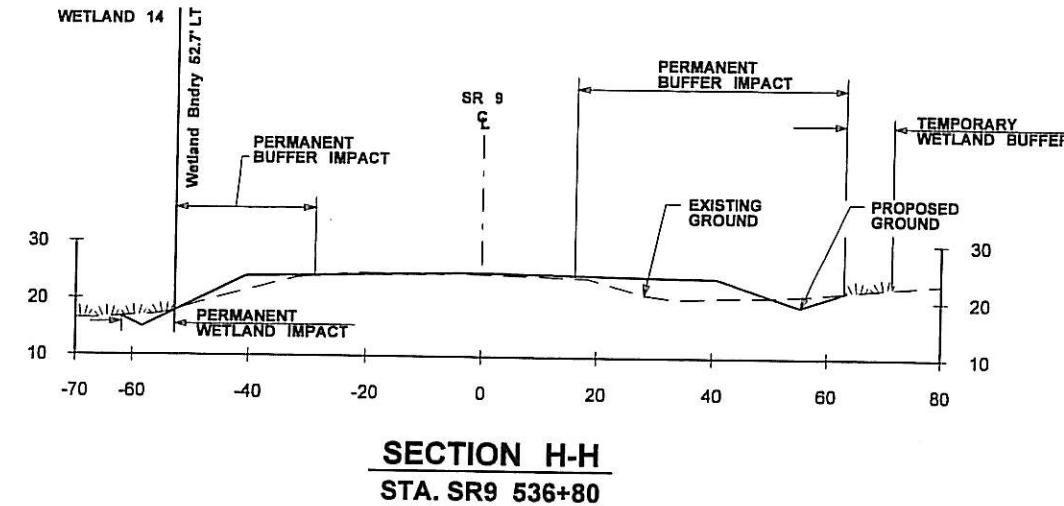
SR-9, 176th ST. SE Vic. to Marsh RD I/S  
REFERENCE #: NWS-2007-471-SOD  
APPLICANT: WSDOT  
Permit Drawings

PROPOSED/RETAIN: 6.35 acres of Impacts to wetlands and other waters of the U.S.  
IN: Stream and Wetlands  
NEAR/AT: Snohomish  
COUNTY: Snohomish STATE: WA  
DATE: 6/12/07

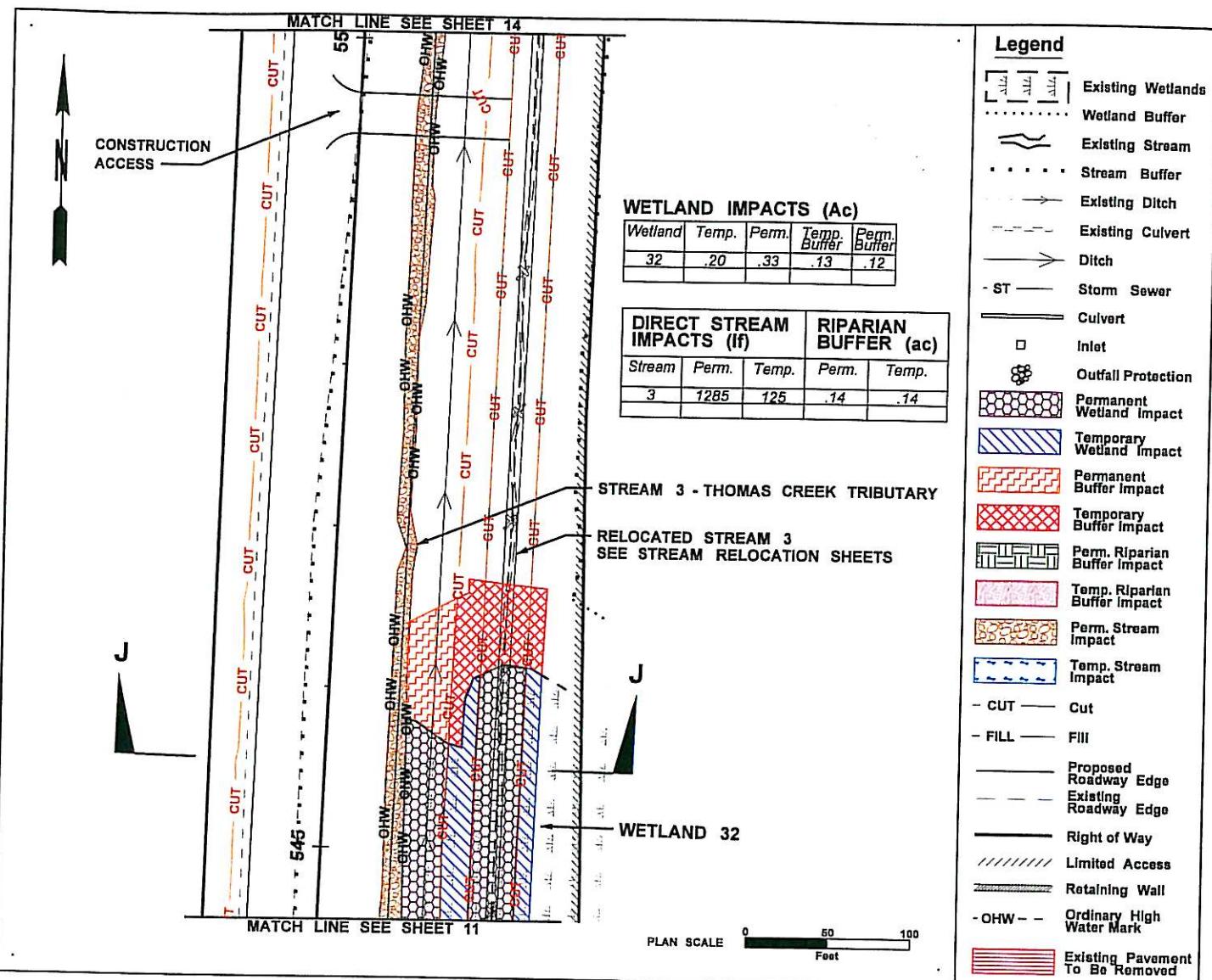
WETLAND IMPACTS

SHEET 10 OF 27

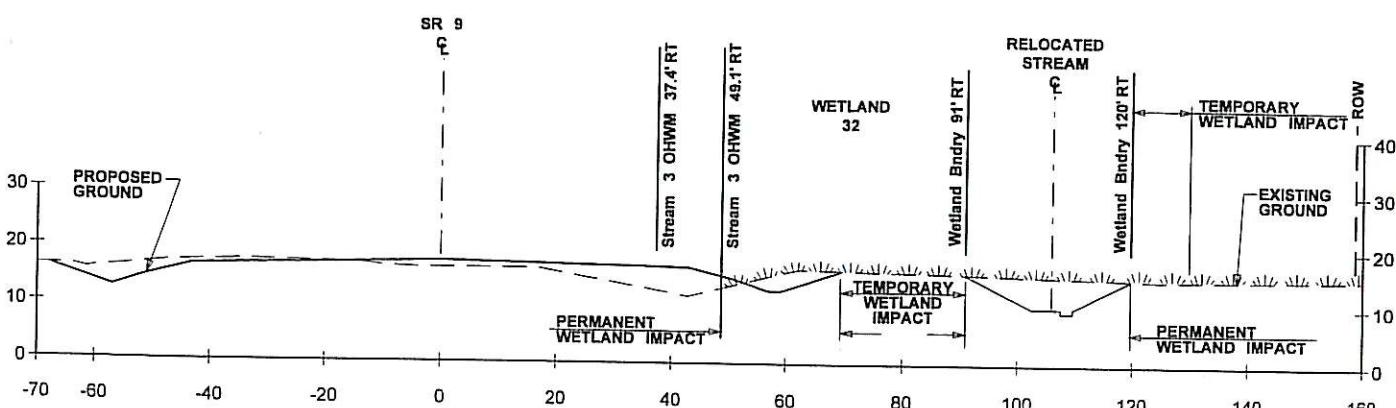




PURPOSE: Roadway Improvements  HORIZONTAL DATUM: NAD 83/91 VERTICAL DATUM: NAVD 88	SR-9, 176th ST. SE Vic. to Marsh RD IIS  REFERENCE #: NWS-2007-471-SOD  APPLICANT: WSDOT Permit Drawings	PROPOSED/RETAIN: 6.35 acres of impacts to wetlands and other waters of the U.S. IN: Stream and Wetlands NEAR/AT: Snohomish COUNTY: Snohomish STATE: WA DATE 6/12/07	WETLAND IMPACTS
SHEET 12 OF 27			



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**SECTION J-J**  
**STA. SR9 545+50**

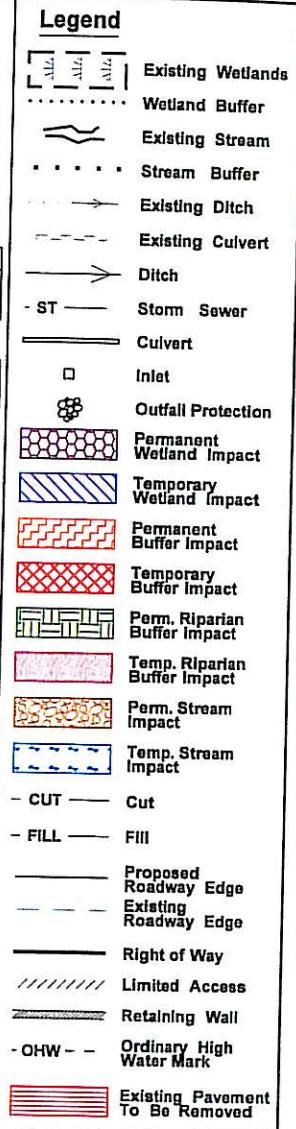
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HORIZONTAL DATUM: NAD 83/91  
VERTICAL DATUM: NAVD 88

SR-9, 176th ST. SE Vic. to Marsh RD I/S  
REFERENCE #: NWS-2007-471-SOD  
APPLICANT: WSDOT  
Permit Drawings

PROPOSED/RETAIN: 6.35 acres of impacts to wetlands and other waters of the U.S.  
IN: Stream and Wetlands  
NEAR/AT: Snohomish  
COUNTY: Snohomish STATE: WA  
DATE 6/12/07

WETLAND IMPACTS

SHEET 13 OF 27



MATCH LINE SEE SHEET 16

### WETLAND IMPACTS (Ac)

Wetland	Temp.	Perm.	Temp. Buffer	Perm. Buffer
33	.13	1.17	.43	1.34

### DIRECT STREAM IMPACTS (if)      RIPARIAN BUFFER (ac)

Stream	Perm.	Temp.	Perm.	Temp.
3	1285	125	.14	.14

K1 K2

555

K1

K2

STREAM 3A

RELOCATED STREAM 3  
SEE STREAM RELOCATION SHEETS

STREAM 3 - THOMAS CREEK TRIBUTARY

PLAN SCALE 0 50 100  
Foot

MATCH LINE SEE SHEET 13

PURPOSE: Roadway Improvements

HORIZONTAL DATUM: NAD 83/91  
VERTICAL DATUM: NAVD 88

SR-9, 176th ST. SE Vic. to Marsh RD IIS

REFERENCE #: NWS-2007-471-SOD

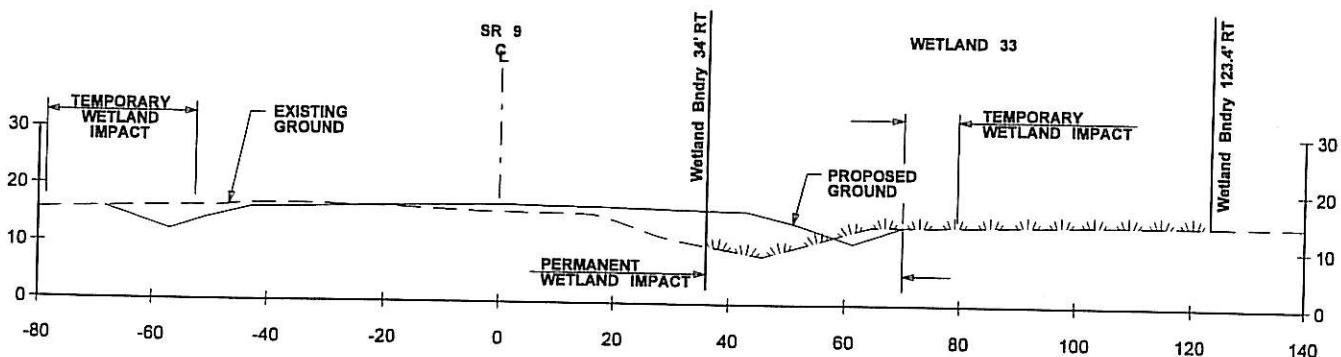
APPLICANT: WSDOT  
Permit Drawings

PROPOSED/RETAIN: 6.35 acres of impacts  
to wetlands and other waters of the U.S.  
IN: Stream and Wetlands

NEAR/AT: Snohomish  
COUNTY: Snohomish STATE: WA  
DATE 6/12/07

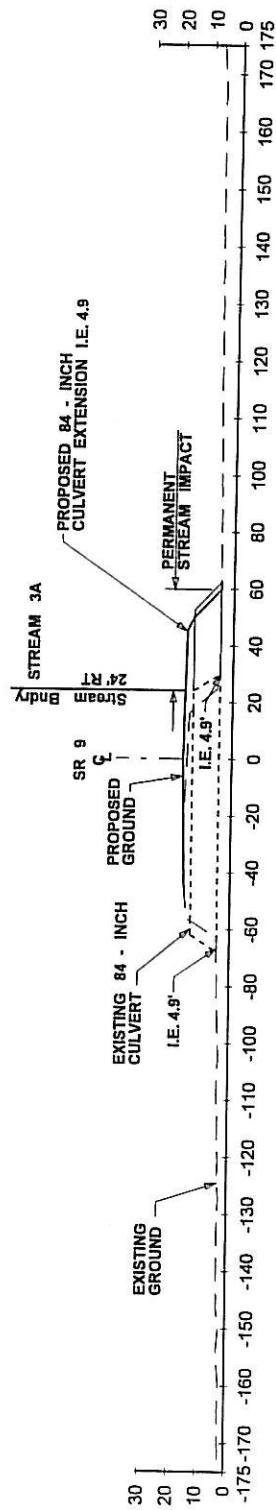
WETLAND IMPACTS

SHEET 14 OF 27



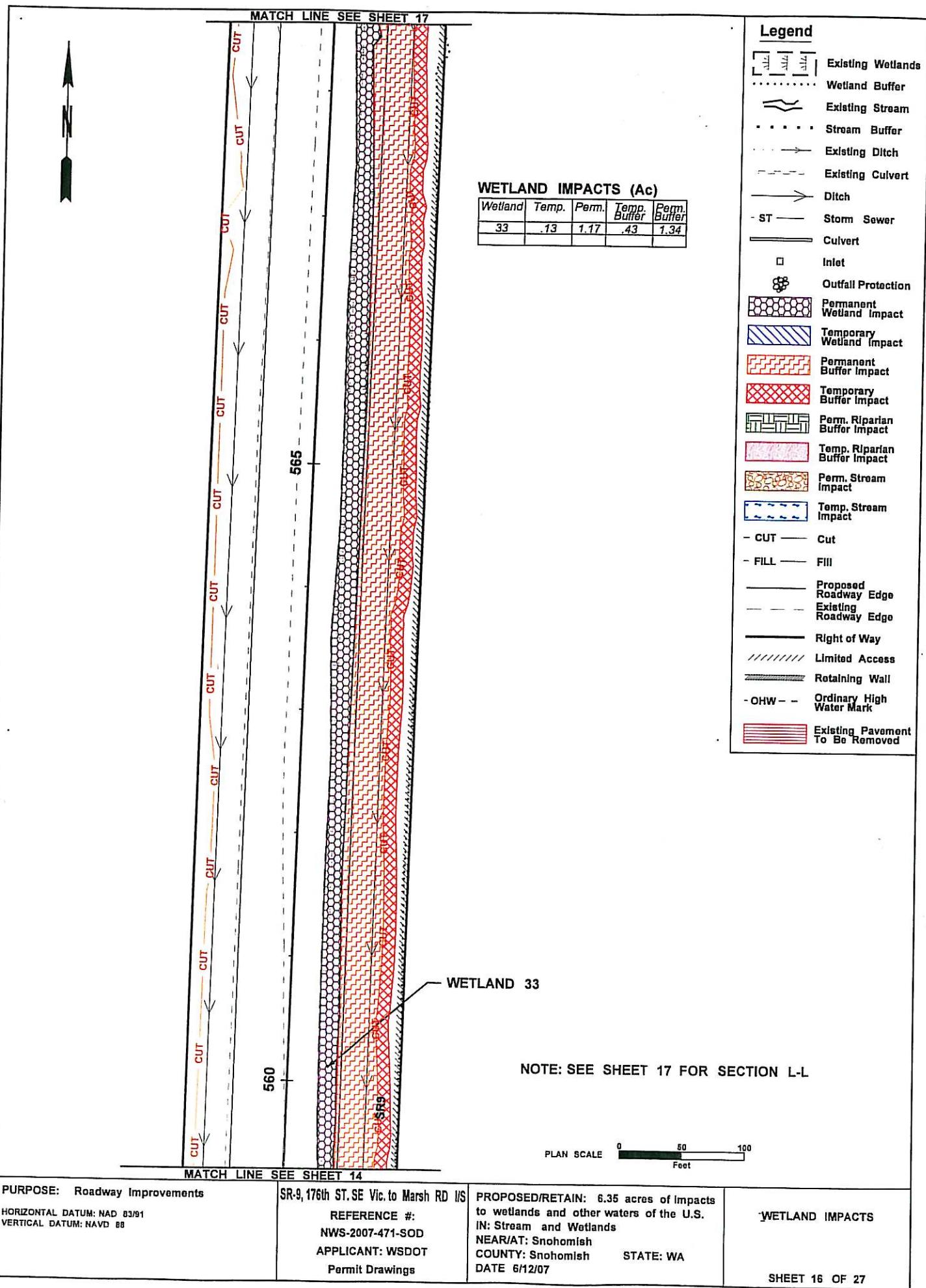
**SECTION K1-K1**  
STA. SR9 555+00

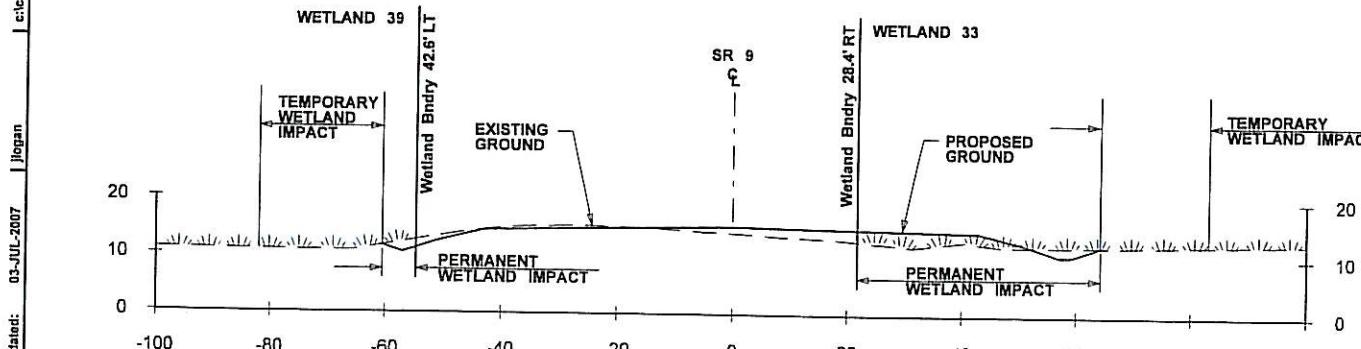
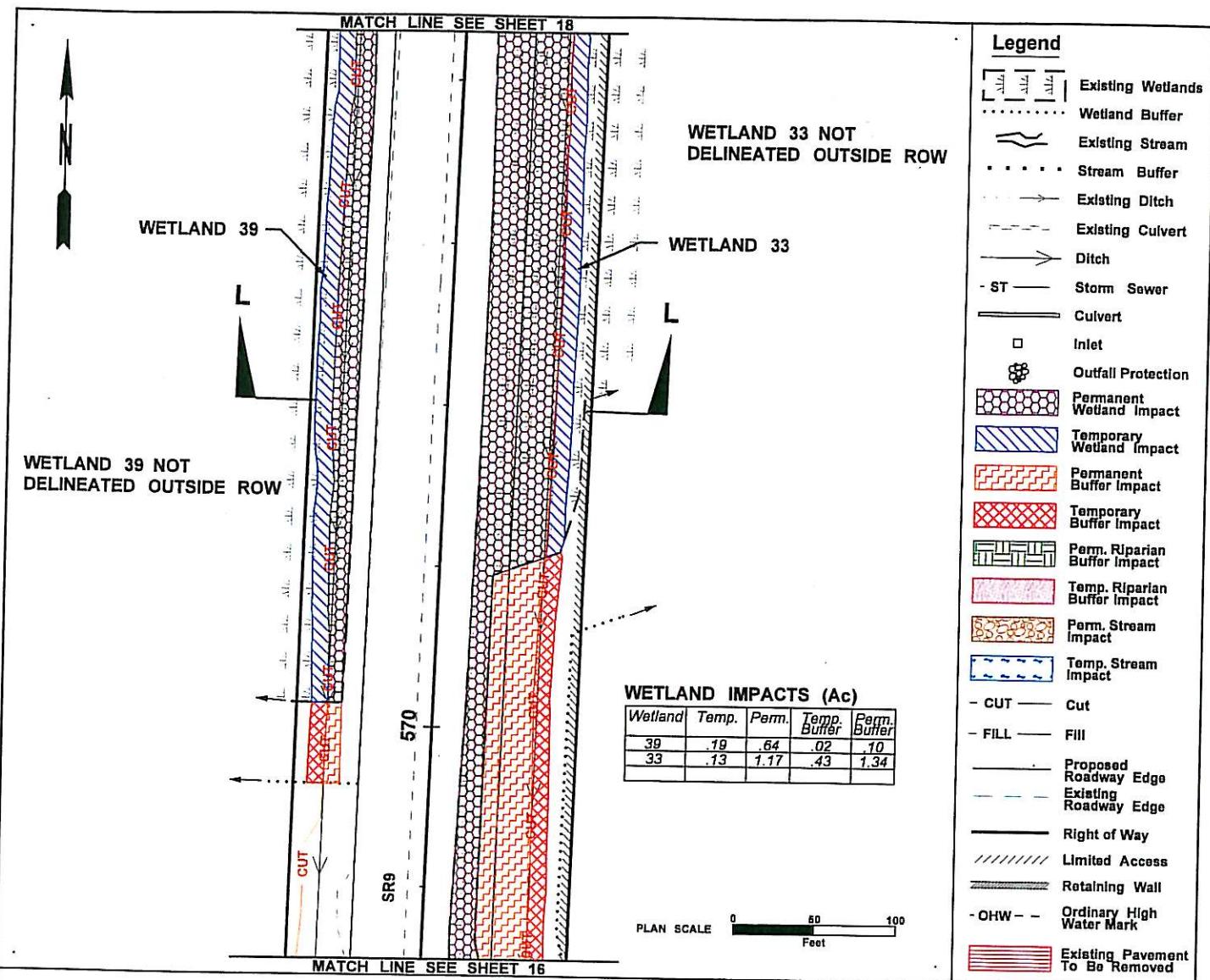
PURPOSE: Roadway Improvements HORIZONTAL DATUM: NAD 83/91 VERTICAL DATUM: NAVD 88	SR-9, 176th ST. SE Vic. to Marsh RD WS REFERENCE #: NWS-2007-471-SOD APPLICANT: WSDOT Permit Drawings	PROPOSED/RETAIN: 6.35 acres of impacts to wetlands and other waters of the U.S. IN: Stream and Wetlands NEAR/AT: Snohomish COUNTY: Snohomish STATE: WA DATE 6/12/07	WETLAND IMPACTS
			SHEET 15 OF 27



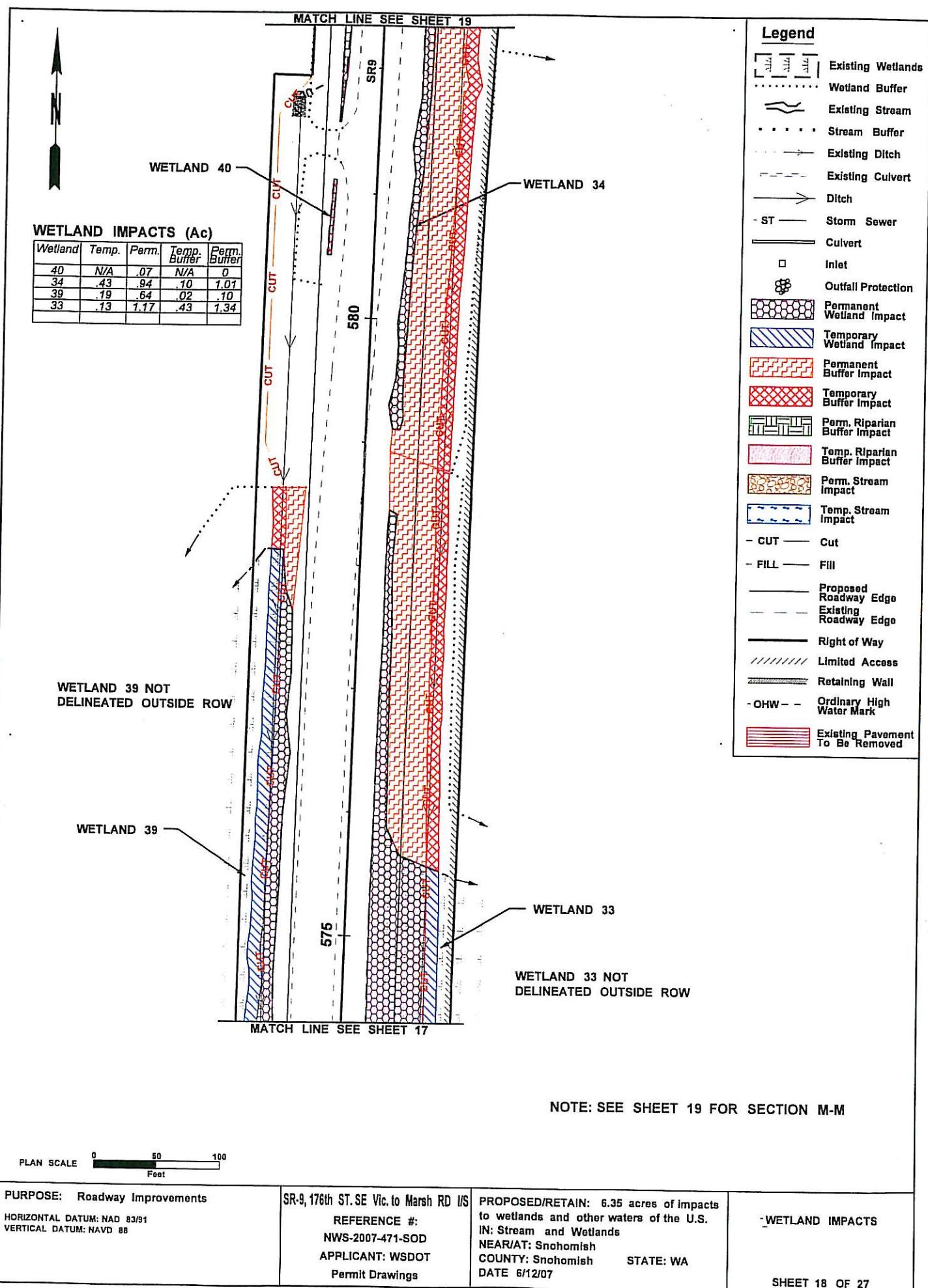
**SECTION K2-K2**  
**STA. SR9 554+40**

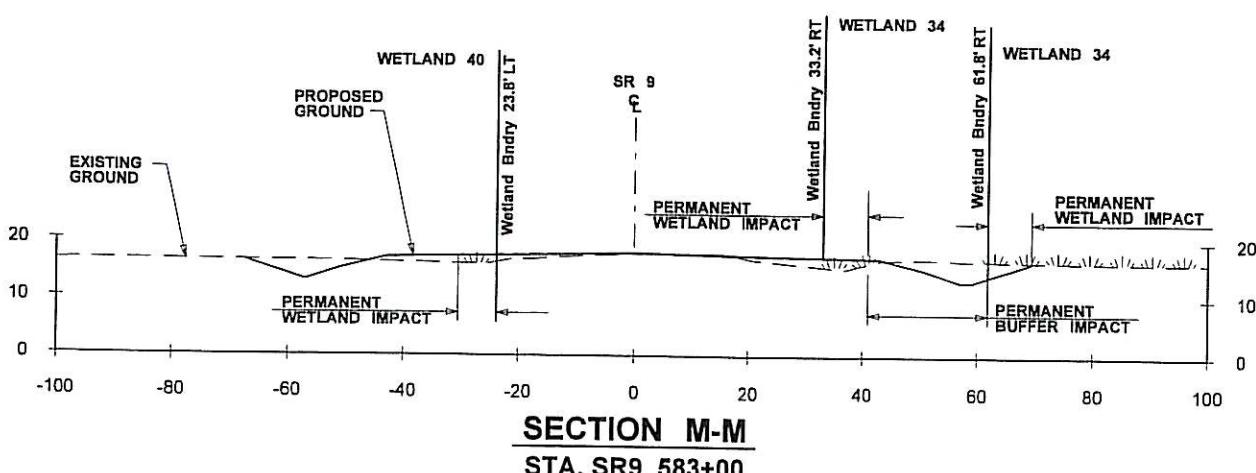
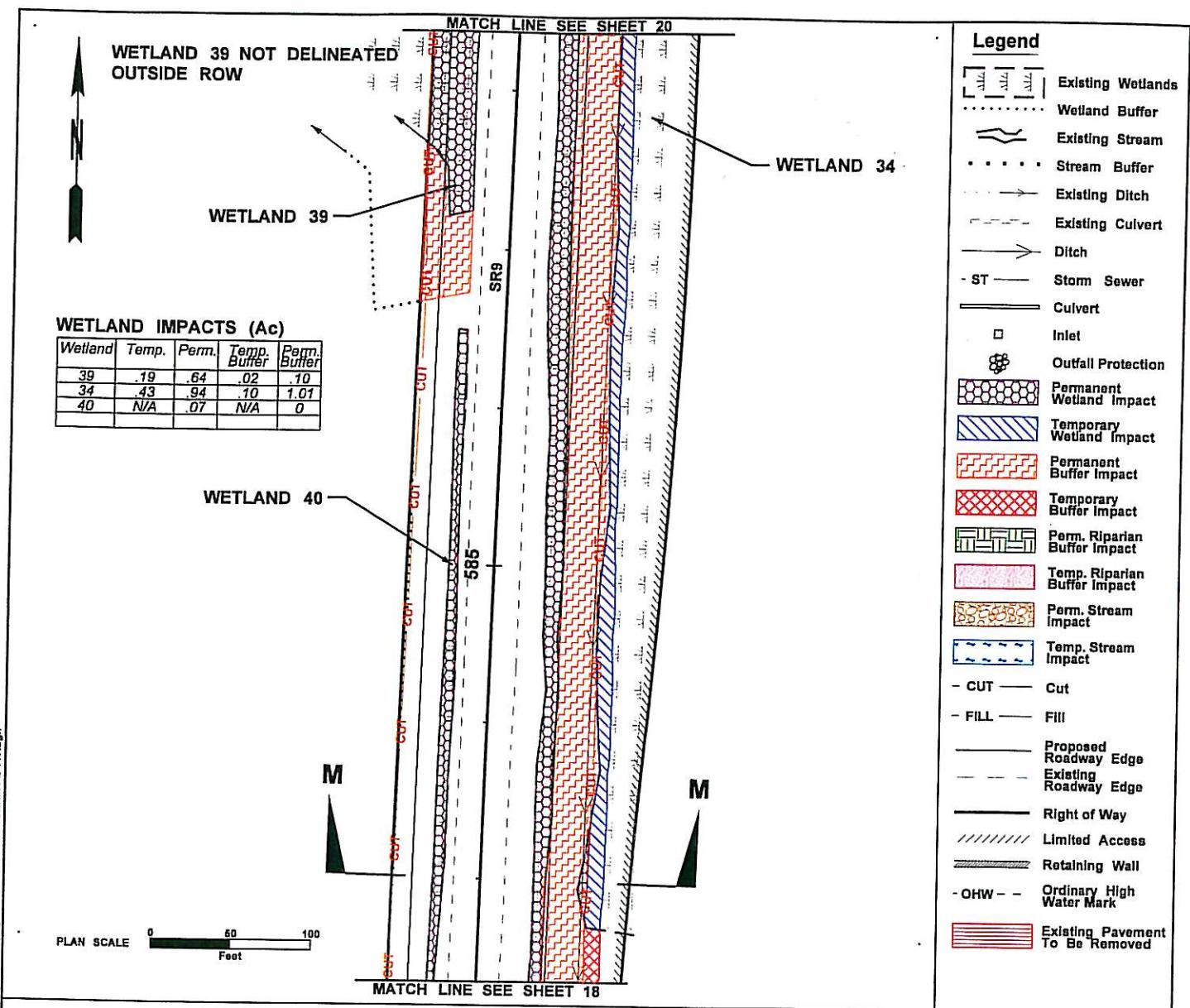
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			SHEET 15A OF 27





PURPOSE: Roadway Improvements	SR-9, 176th ST. SE Vic. to Marsh RD I/S	PROPOSED/RETAIN: 6.35 acres of impacts to wetlands and other waters of the U.S. IN: Stream and Wetlands NEAR/AT: Snohomish COUNTY: Snohomish STATE: WA DATE 6/12/07	WETLAND IMPACTS
HORIZONTAL DATUM: NAD 83/93 VERTICAL DATUM: NAVD 88	REFERENCE #: NWS-2007-471-SOD APPLICANT: WSDOT Permit Drawings		SHEET 17 OF 27



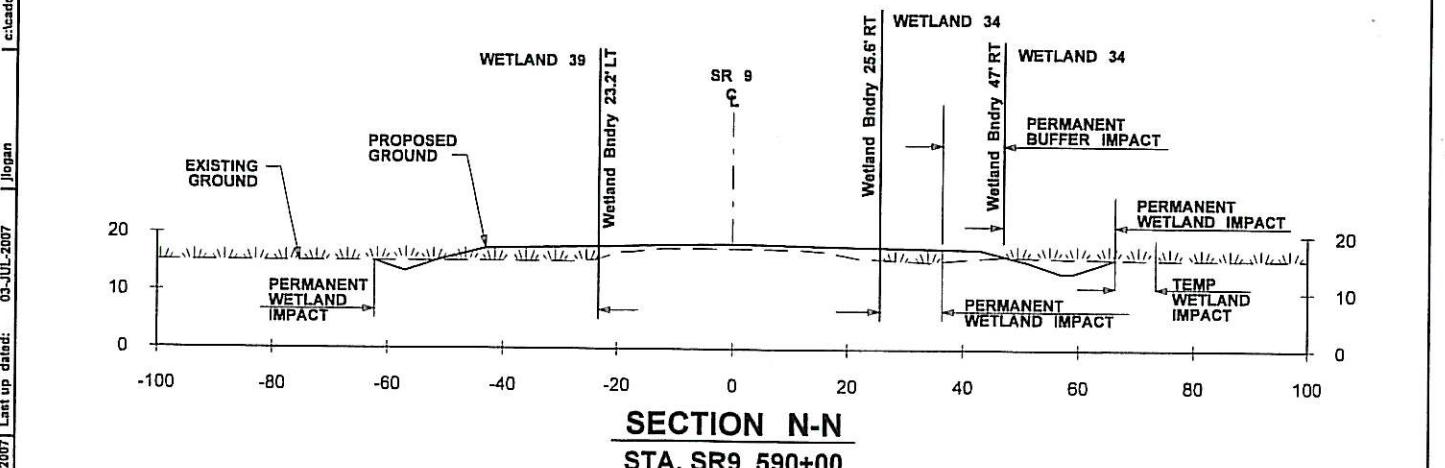
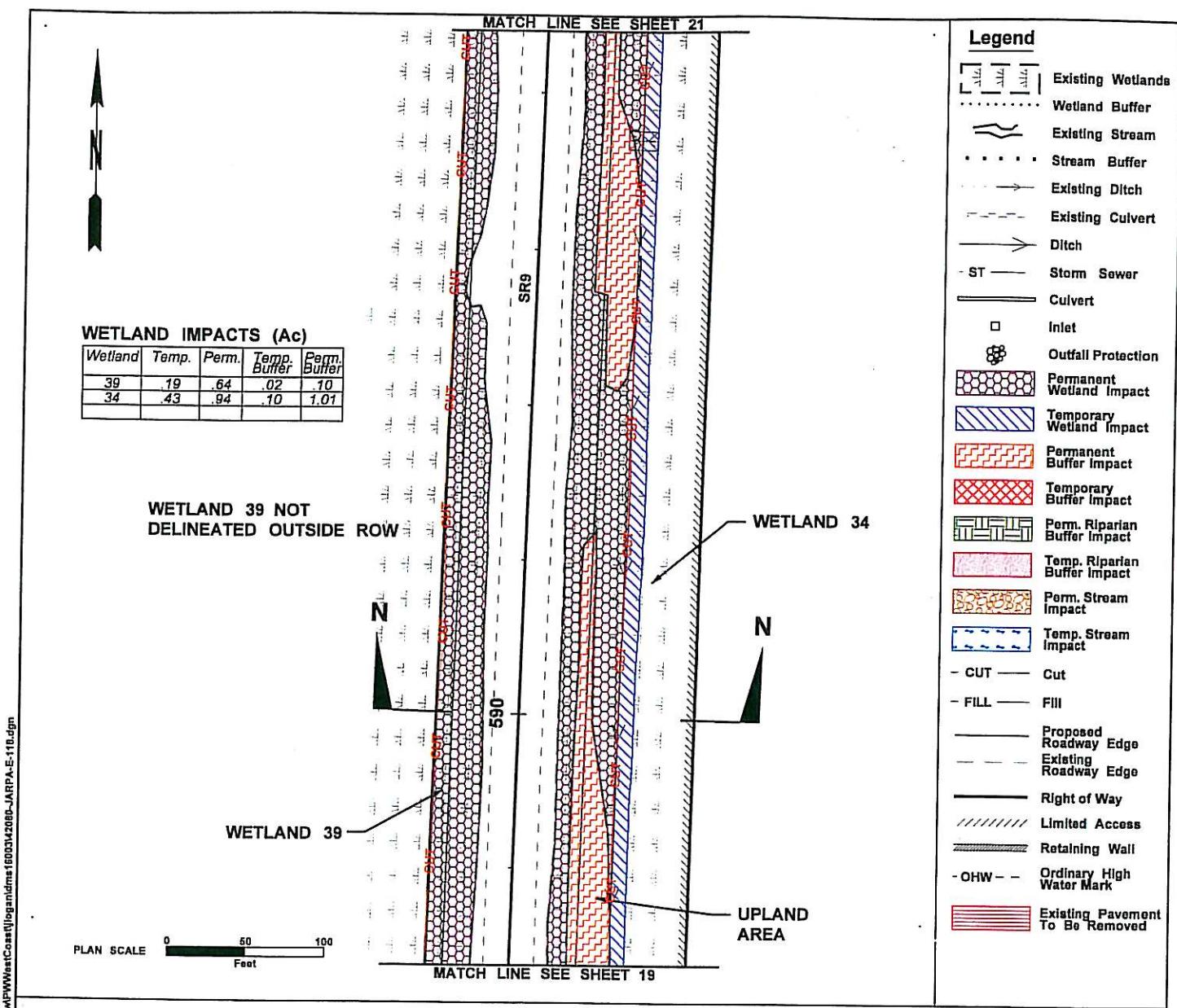


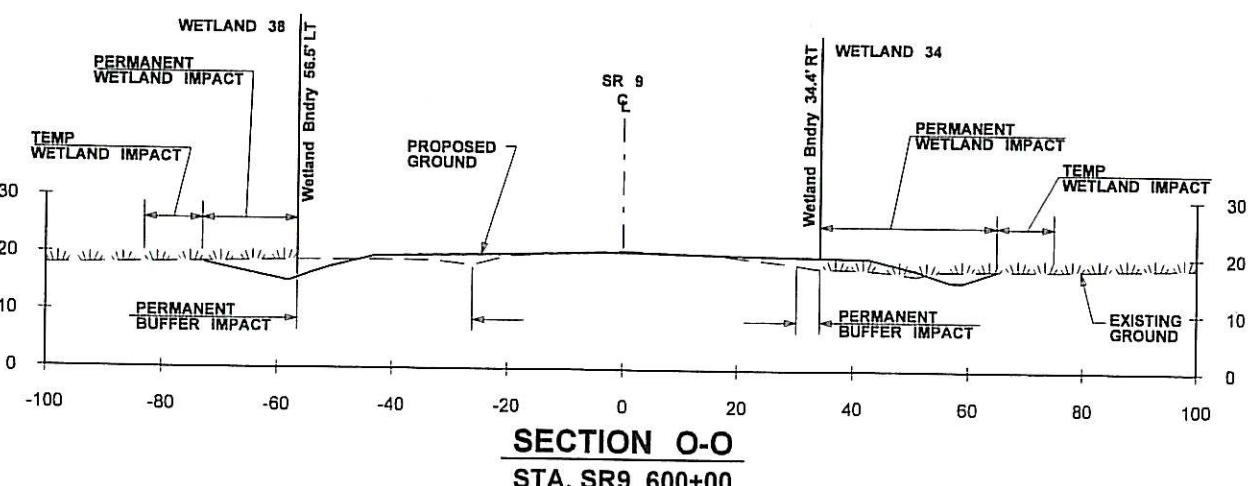
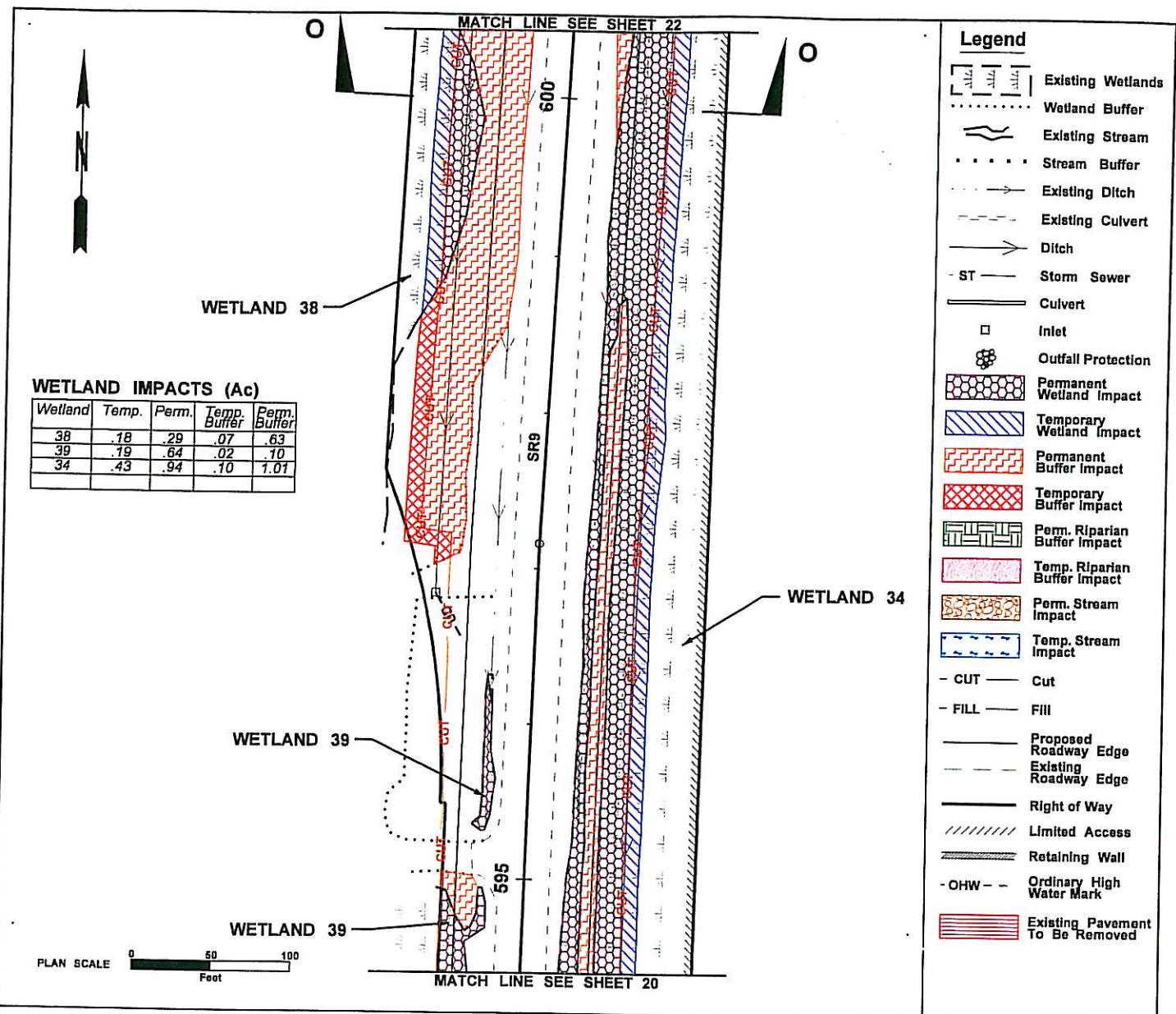
PURPOSE: Roadway Improvements  
HORIZONTAL DATUM: NAD 83/91  
VERTICAL DATUM: NAVD 88

SR-9, 176th ST. SE Vic. to Marsh RD I/S  
REFERENCE #: NWS-2007-471-SOD  
APPLICANT: WSDOT  
Permit Drawings

PROPOSED/RETAIN: 6.35 acres of impacts  
to wetlands and other waters of the U.S.  
IN: Stream and Wetlands  
NEAR/AT: Snohomish  
COUNTY: Snohomish STATE: WA  
DATE 6/12/07

-WETLAND IMPACTS  
SHEET 19 OF 27



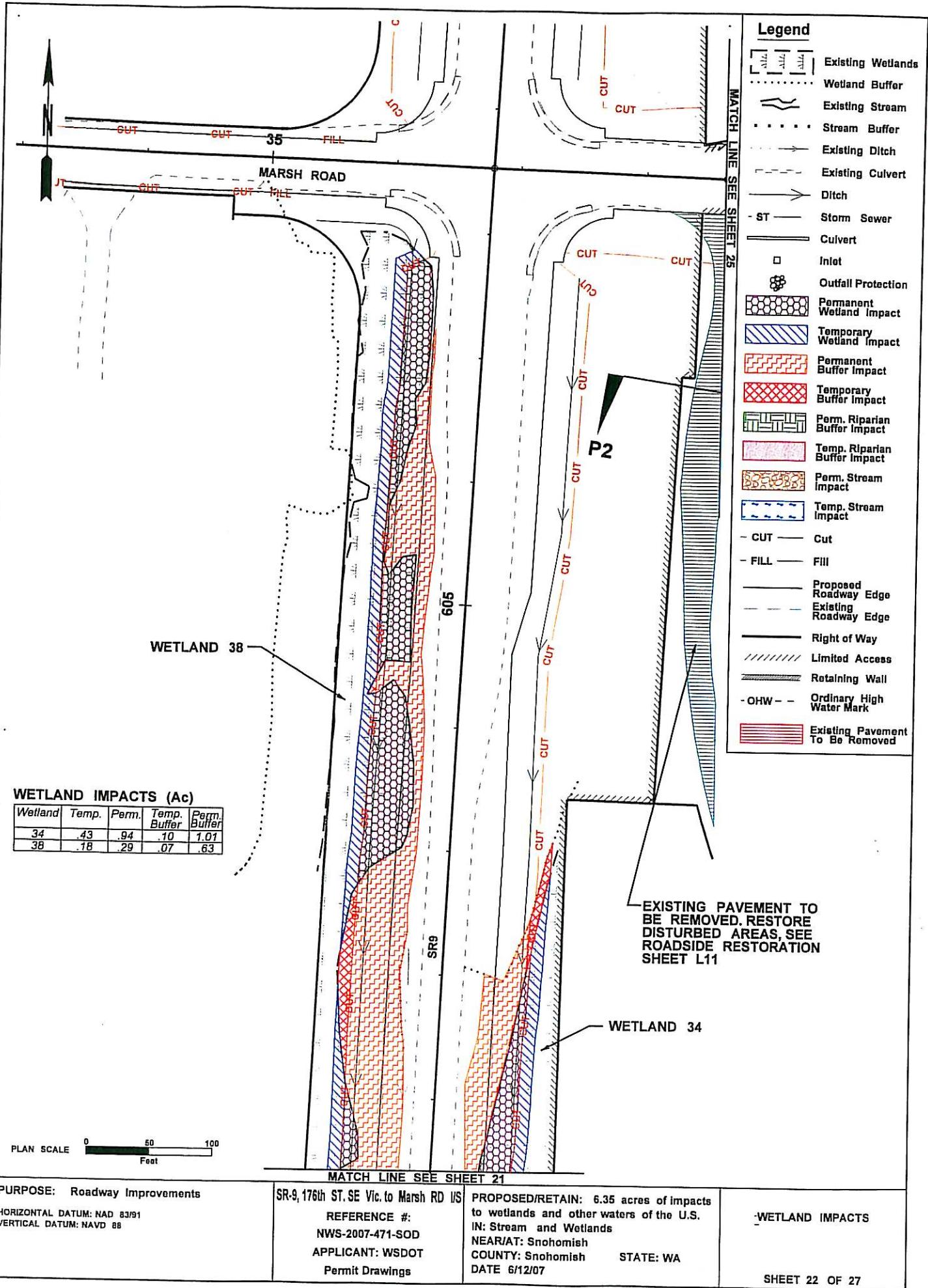


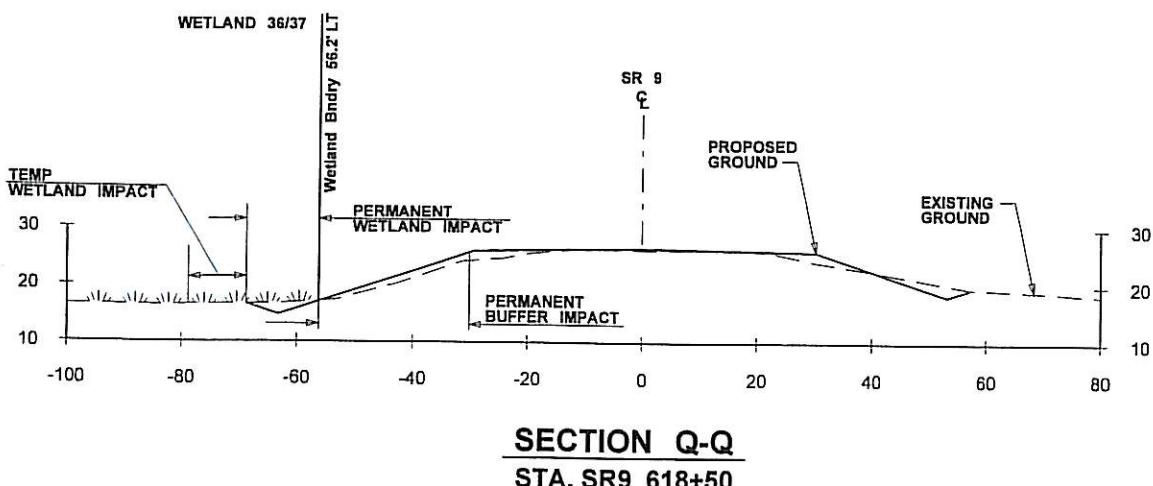
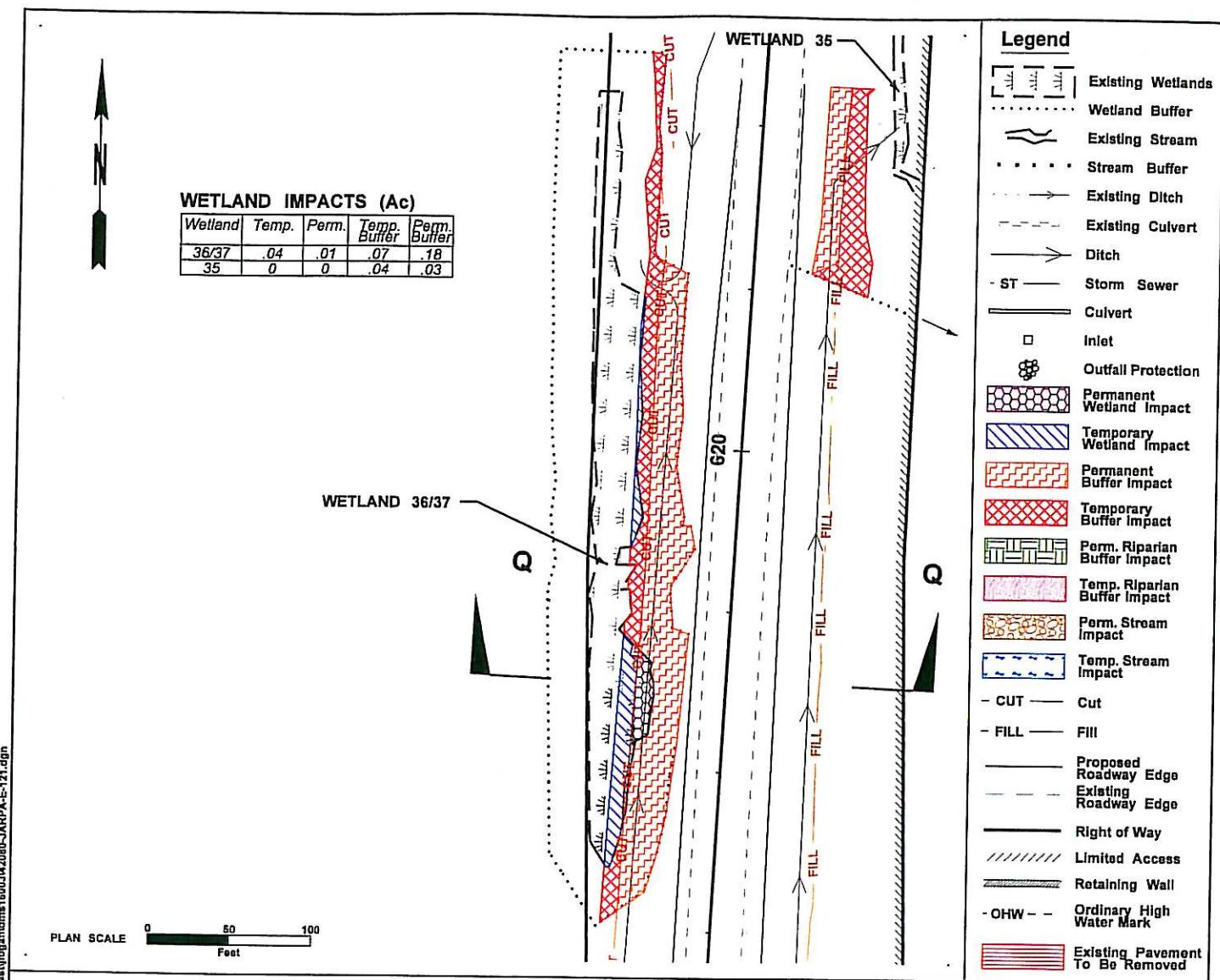
PURPOSE: Roadway Improvements  
HORIZONTAL DATUM: NAD 83/91  
VERTICAL DATUM: NAVD 88

SR-9, 176th ST. SE Vic. to Marsh RD I/S  
REFERENCE #: NWS-2007-471-SOD  
APPLICANT: WSDOT  
Permit Drawings

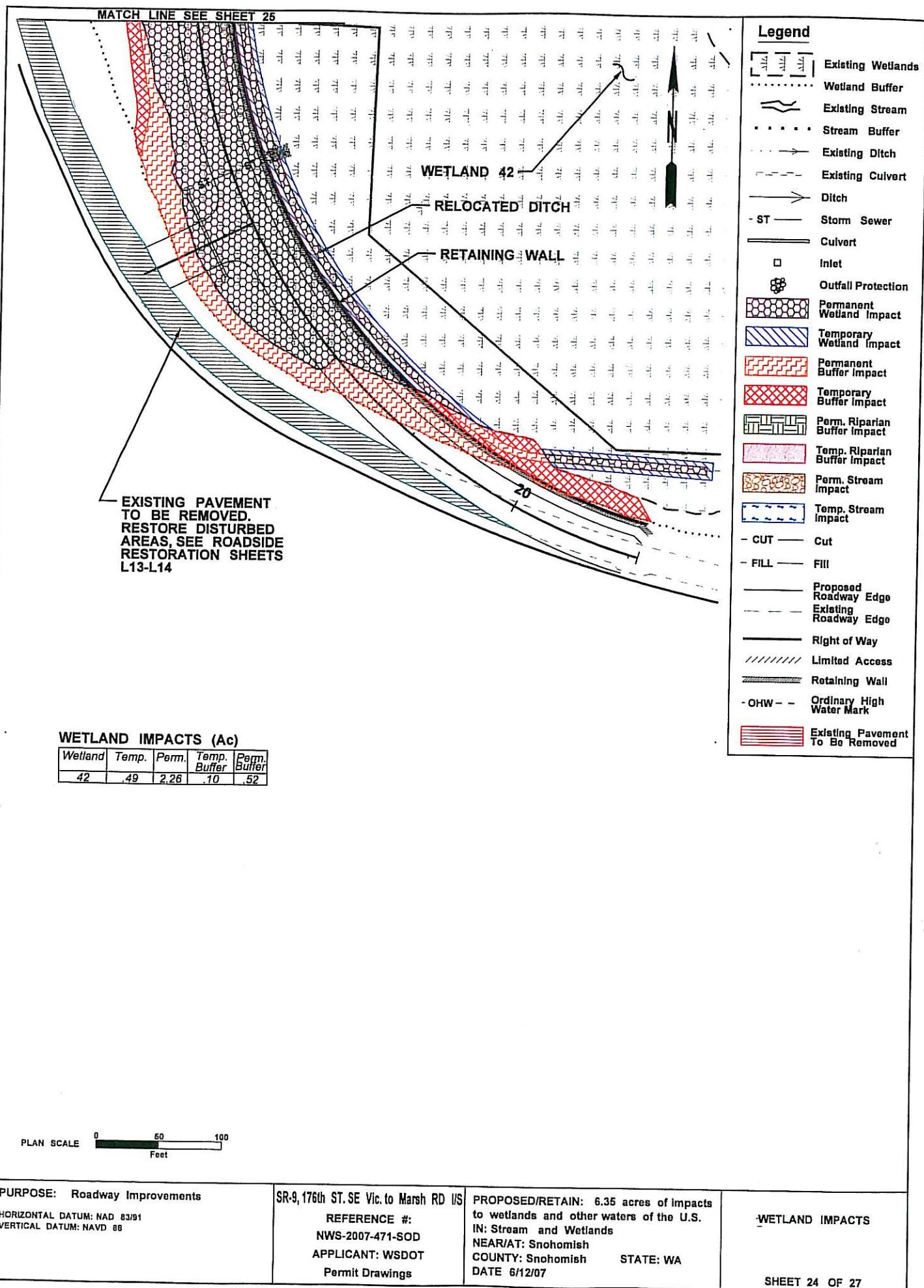
PROPOSED/RETAIN: 6.35 acres of impacts  
to wetlands and other waters of the U.S.  
IN: Stream and Wetlands  
NEAR/AT: Snohomish  
COUNTY: Snohomish STATE: WA  
DATE 6/12/07

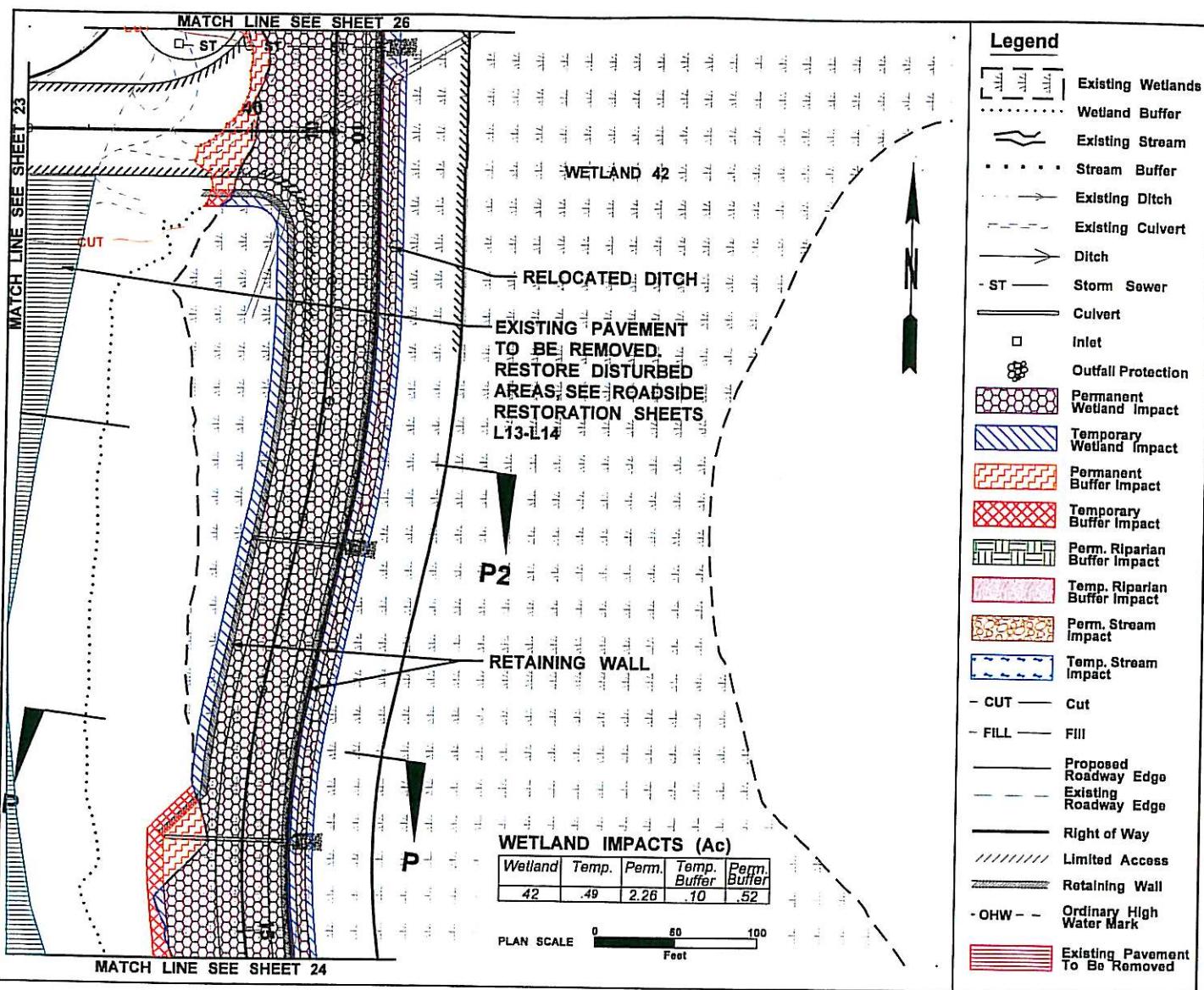
-WETLAND IMPACTS





PURPOSE: Roadway Improvements  HORIZONTAL DATUM: NAD 83/91 VERTICAL DATUM: NAVD 88	SR-9, 176th ST. SE Vic. to Marsh RD IS  REFERENCE #: NWS-2007-471-SOD APPLICANT: WSDOT Permit Drawings	PROPOSED/RETAIN: 6.35 acres of impacts to wetlands and other waters of the U.S. IN: Stream and Wetlands NEAR/AT: Snohomish COUNTY: Snohomish STATE: WA DATE 6/12/07	WETLAND IMPACTS  SHEET 23 OF 27
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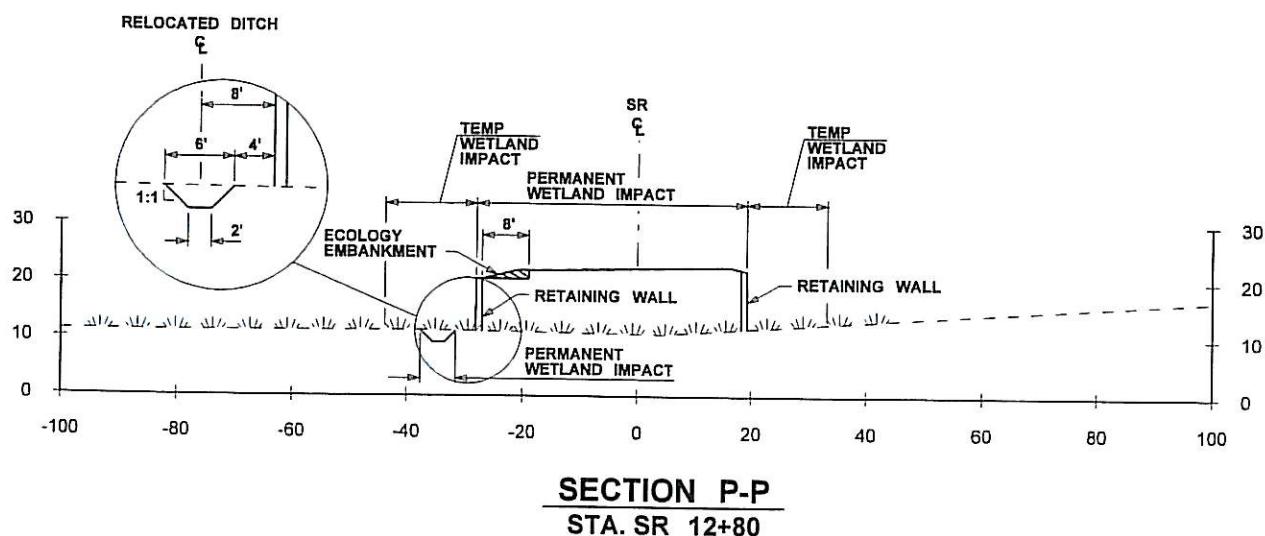




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03-JUL-2007 | Logan

Sources: WSDOT; 2007; Snohomish; 2007 | Last up dated: 03-JUL-2007



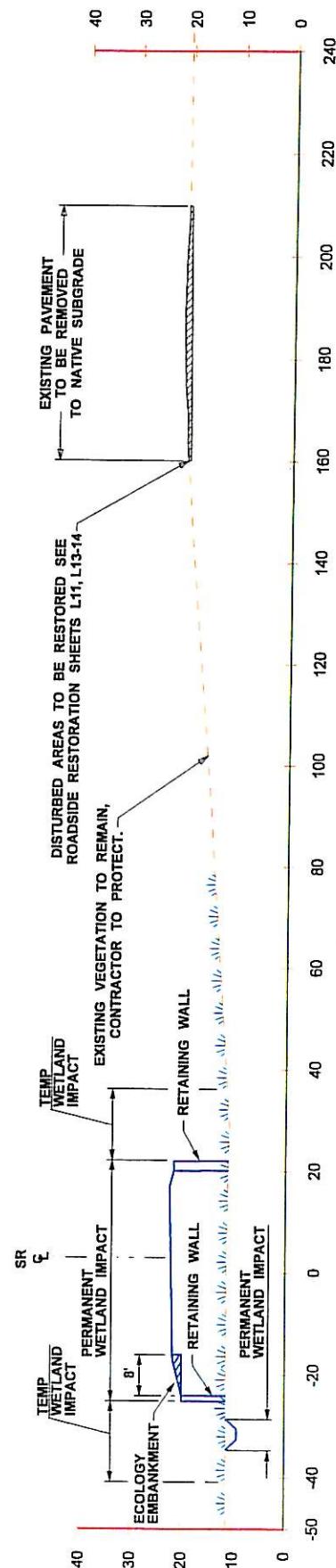
PURPOSE: Roadway Improvements  
HORIZONTAL DATUM: NAD 83/91  
VERTICAL DATUM: NAVD 88

REFERENCE #: NWS-2007-471-SOD  
APPLICANT: WSDOT  
Permit Drawings

PROPOSED/RETAIN: 6.35 acres of impacts to wetlands and other waters of the U.S.  
IN: Stream and Wetlands  
NEAR/AT: Snohomish  
COUNTY: Snohomish STATE: WA  
DATE 6/12/07

WETLAND IMPACTS

SHEET 25 OF 27



**SECTION P2-P2**  
**STA. SPRINGHETTI 12+00**

PURPOSE: Roadway Improvements HORIZONTAL DATUM: NAD 83/91 VERTICAL DATUM: NAVD 88	SR-9, 176th ST. SE Vic. to Marsh RD I/S REFERENCE #: NWS-2007-471-SOD APPLICANT: WSDOT Permit Drawings	PROPOSED/RETAIN: 6.35 acres of impacts to wetlands and other waters of the U.S. IN: Stream and Wetlands NEAR/AT: Snohomish COUNTY: Snohomish STATE: WA DATE 6/12/07	-WETLAND IMPACTS
SHEET 25A OF 27			

